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Illinois Register

Rules of Governmental Agencies

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TABLE OF CONTENTS
April 4, 1997 Volume 21, Issue 14

PROPOSED RULES

AGRICULTURE, DEPARTMENT OF

Meat And Poultry Inspection Act	
8 Ill. Adm. Code 125	4067

EMPLOYMENT SECURITY, DEPARTMENT OF

Claims, Adjudication, Appeals And Hearings	
56 Ill. Adm. Code 2720	4105
Employment	
56 Ill. Adm. Code 2732	4120
General Application	
56 Ill. Adm. Code 2712	4136

LABOR, DEPARTMENT OF

Health And Safety	
56 Ill. Adm. Code 350	4140
Toxic Substances Disclosure To Employees	
56 Ill. Adm. Code 205	4150

NATURAL RESOURCES, DEPARTMENT OF

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, And Rabbit Hunting	
17 Ill. Adm. Code 530	4186
Crow, Woodcock, Snipe, Rail And Teal Hunting	
17 Ill. Adm. Code 740	4206
Duck, Goose And Coot Hunting	
17 Ill. Adm. Code 590	4215
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver And Woodchuck (Groundhog) Trapping	
17 Ill. Adm. Code 570	4248
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote And Woodchuck (Groundhog) Hunting	
17 Ill. Adm. Code 550	4255
Squirrel Hunting	
17 Ill. Adm. Code 690	4263
The Taking Of Wild Turkeys-Fall Archery Season	
17 Ill. Adm. Code 720	4271
The Taking Of Wild Turkeys-Fall Gun Season	
17 Ill. Adm. Code 715	4279
White-Tailed Deer Hunting Season By Use Of Handguns	
17 Ill. Adm. Code 680	4285

OFFICE OF BANKS AND REAL ESTATE

Bank Branches	
38 Ill. Adm. Code 305	4290
Blacklist Discrimination	
38 Ill. Adm. Code 302	4294

Calculation, Assessment And Collection Of Periodic Fees	
38 Ill. Adm. Code 375	4298
Eligible State Bank	
38 Ill. Adm. Code 380	4303

EMERGENCY RULES

NUCLEAR SAFETY, DEPARTMENT OF	
Fees For Radioactive Material Licenses	
32 Ill. Adm. Code 331	4309
POLLUTION CONTROL BOARD	
Livestock Waste Regulations	
35 Ill. Adm. Code 505	4313

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

REVENUE, DEPARTMENT OF	
Retailers Occupation Tax	
86 Ill. Adm. Code 130, Withdrawal	4335
Service Occupation Tax	
86 Ill. Adm. Code 140, Withdrawal	4336

JOINT COMMITTEE ON ADMINISTRATIVE RULES- STATEMENT OF OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FILINGS & APPROVALS

AGING, DEPARTMENT ON	
Community Care Program	
89 Ill. Adm. Code 240, Recommendation	4337
NATURAL RESOURCES, DEPARTMENT OF	
Commercial Fishing In Lake Michigan	
17 Ill. Adm. Code 850, Prohibition	4338

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	4340
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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1997
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997	Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997	Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 1, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

1) Heading of Part: Meat and Poultry Inspection Act2) Code Citation: 8 Ill. Adm. Code 1253) Section Numbers: Proposed Action:

125.10 Amended
 125.20 Amended
 125.30 Amended
 125.40 Amended
 125.50 Amended
 125.60 Repealed
 125.80 Amended
 125.90 Amended
 125.100 Amended
 125.110 Amended
 125.120 Amended
 125.130 Amended
 125.140 Amended
 125.141 New Section
 125.142 New Section
 125.143 New Section
 125.150 Amended
 125.160 Amended
 125.170 Amended
 125.180 Amended
 125.190 Amended
 125.200 Amended
 125.210 Amended
 125.220 Amended
 125.230 Amended
 125.240 Amended
 125.250 Amended
 125.260 Amended
 125.270 Amended
 125.280 Amended
 125.290 Amended
 125.295 Repealed
 125.300 Amended
 125.305 Amended
 125.310 Amended
 125.320 Amended
 125.330 Amended
 125.340 Amended
 125.350 Amended
 125.360 Amended
 125.370 Amended
 125.380 Amended
 125.390 Amended

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

125.400

125.410

Amended

Amended

4) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650], and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

5) A Complete Description of the Subjects and Issues Involved: Most of the Sections in this rulemaking are being updated to reference the 1997 edition of the Code of Federal Regulations, Title 9.

Several "housekeeping" amendments are made throughout these rules: Section 125.20 clarifies and updates information; a clarification is made in Section 125.80 concerning the approval of overtime; amendments are made to correct CFR and statutory references and update federal form numbers in several Sections; information concerning administrative hearings has been deleted from the rules as this information is referenced in the statute.

In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and in compliance with Section 16 of the Meat and Poultry Inspection Act, the Department is proposing to adopt changes in federal rules that were printed in the July 25, 1996 Federal Register, 61 FR 38806. These amendments include: (1) Inspected meat and poultry establishments must develop and implement written sanitation standard operating procedures. (2) Regular microbial testing by slaughter establishments will be required to verify the adequacy of process controls for the prevention and/or removal of contamination with pathogens. (3) Slaughter establishments and establishments producing raw ground products must meet established pathogen reduction performance standards for Salmonella. (4) All meat and poultry establishments must develop and implement a system of preventive controls designed to improve the safety of their products, known as Hazard Analysis and Critical Control Points (HACCP).

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day the notice of rulemaking

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

appears in the *Illinois Register*. Written comments should be sent to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: All State of Illinois meat and poultry licensed establishments involved in the wholesale processing of meat and poultry products will be affected by the implementation of these rules.
- B) Reporting, bookkeeping or other procedures required for compliance: Please refer to the July 25, 1996 Federal Register (61 FR 38806) for detailed information regarding additional requirements for compliance.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: July 1996 and January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section

125-10	Definitions
125-20	Incorporation by Reference of Federal Rules
125-30	Application for License; Approval
125-40	Official Number
125-50	Inspections; Suspension or Revocation of License
125-60	Administrative Hearings; Appeals (Repealed)
125-70	Assignment and Authority of Program Employees
125-80	Schedule of Operations; Overtime
125-90	Official Marks of Inspection; Devices and Certificates
125-100	Records and Reports
125-110	Exemptions
125-120	Disposal of Dead Animals and Poultry
125-130	Reportable Animal and Poultry Diseases
125-140	Detention; Seizure; Condemnation
125-141	Sanitation Standard Operating Procedures (SOP's)
125-142	Sanitation Standard Operating Procedures (SOP's)
125-143	Sanitation Standard Operating Procedures (SOP's)
125-144	Sanitation Standard Operating Procedures (SOP's)
125-145	Sanitation Standard Operating Procedures (SOP's)
125-146	Sanitation Standard Operating Procedures (SOP's)
125-147	Sanitation Standard Operating Procedures (SOP's)
125-148	Sanitation Standard Operating Procedures (SOP's)
125-149	Sanitation Standard Operating Procedures (SOP's)
125-150	Sanitation Standard Operating Procedures (SOP's)
125-151	Sanitation Standard Operating Procedures (SOP's)
125-152	Sanitation Standard Operating Procedures (SOP's)
125-153	Sanitation Standard Operating Procedures (SOP's)
125-154	Sanitation Standard Operating Procedures (SOP's)
125-155	Sanitation Standard Operating Procedures (SOP's)
125-156	Sanitation Standard Operating Procedures (SOP's)
125-157	Sanitation Standard Operating Procedures (SOP's)
125-158	Sanitation Standard Operating Procedures (SOP's)
125-159	Sanitation Standard Operating Procedures (SOP's)
125-160	Sanitation Standard Operating Procedures (SOP's)
125-161	Sanitation Standard Operating Procedures (SOP's)
125-162	Sanitation Standard Operating Procedures (SOP's)
125-163	Sanitation Standard Operating Procedures (SOP's)
125-164	Sanitation Standard Operating Procedures (SOP's)
125-165	Sanitation Standard Operating Procedures (SOP's)
125-166	Sanitation Standard Operating Procedures (SOP's)
125-167	Sanitation Standard Operating Procedures (SOP's)
125-168	Sanitation Standard Operating Procedures (SOP's)
125-169	Sanitation Standard Operating Procedures (SOP's)
125-170	Sanitation Standard Operating Procedures (SOP's)
125-171	Sanitation Standard Operating Procedures (SOP's)
125-172	Sanitation Standard Operating Procedures (SOP's)
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125-174	Sanitation Standard Operating Procedures (SOP's)
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125-182	Sanitation Standard Operating Procedures (SOP's)
125-183	Sanitation Standard Operating Procedures (SOP's)
125-184	Sanitation Standard Operating Procedures (SOP's)
125-185	Sanitation Standard Operating Procedures (SOP's)
125-186	Sanitation Standard Operating Procedures (SOP's)
125-187	Sanitation Standard Operating Procedures (SOP's)
125-188	Sanitation Standard Operating Procedures (SOP's)
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125-192	Sanitation Standard Operating Procedures (SOP's)
125-193	Sanitation Standard Operating Procedures (SOP's)
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125-198	Sanitation Standard Operating Procedures (SOP's)
125-199	Sanitation Standard Operating Procedures (SOP's)
125-200	Sanitation Standard Operating Procedures (SOP's)
125-201	Sanitation Standard Operating Procedures (SOP's)
125-202	Sanitation Standard Operating Procedures (SOP's)
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125-205	Sanitation Standard Operating Procedures (SOP's)
125-206	Sanitation Standard Operating Procedures (SOP's)
125-207	Sanitation Standard Operating Procedures (SOP's)
125-208	Sanitation Standard Operating Procedures (SOP's)
125-209	Sanitation Standard Operating Procedures (SOP's)
125-210	Sanitation Standard Operating Procedures (SOP's)
125-211	Sanitation Standard Operating Procedures (SOP's)
125-212	Sanitation Standard Operating Procedures (SOP's)
125-213	Sanitation Standard Operating Procedures (SOP's)
125-214	Sanitation Standard Operating Procedures (SOP's)
125-215	Sanitation Standard Operating Procedures (SOP's)
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125-218	Sanitation Standard Operating Procedures (SOP's)
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125-220	Sanitation Standard Operating Procedures (SOP's)
125-221	Sanitation Standard Operating Procedures (SOP's)
125-222	Sanitation Standard Operating Procedures (SOP's)
125-223	Sanitation Standard Operating Procedures (SOP's)
125-224	Sanitation Standard Operating Procedures (SOP's)
125-225	Sanitation Standard Operating Procedures (SOP's)
125-226	Sanitation Standard Operating Procedures (SOP's)
125-227	Sanitation Standard Operating Procedures (SOP's)
125-228	Sanitation Standard Operating Procedures (SOP's)
125-229	Sanitation Standard Operating Procedures (SOP's)
125-230	Sanitation Standard Operating Procedures (SOP's)
125-231	Sanitation Standard Operating Procedures (SOP's)
125-232	Sanitation Standard Operating Procedures (SOP's)
125-233	Sanitation Standard Operating Procedures (SOP's)
125-234	Sanitation Standard Operating Procedures (SOP's)
125-235	Sanitation Standard Operating Procedures (SOP's)
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125-246	Sanitation Standard Operating Procedures (SOP's)
125-247	Sanitation Standard Operating Procedures (SOP's)
125-248	Sanitation Standard Operating Procedures (SOP's)
125-249	Sanitation Standard Operating Procedures (SOP's)
125-250	Sanitation Standard Operating Procedures (SOP's)
125-251	Sanitation Standard Operating Procedures (SOP's)
125-252	Sanitation Standard Operating Procedures (SOP's)
125-253	Sanitation Standard Operating Procedures (SOP's)
125-254	Sanitation Standard Operating Procedures (SOP's)
125-255	Sanitation Standard Operating Procedures (SOP's)
125-256	Sanitation Standard Operating Procedures (SOP's)
125-257	Sanitation Standard Operating Procedures (SOP's)
125-258	Sanitation Standard Operating Procedures (SOP's)
125-259	Sanitation Standard Operating Procedures (SOP's)
125-260	Sanitation Standard Operating Procedures (SOP's)
125-261	Sanitation Standard Operating Procedures (SOP's)
125-262	Sanitation Standard Operating Procedures (SOP's)
125-263	Sanitation Standard Operating Procedures (SOP's)
125-264	Sanitation Standard Operating Procedures (SOP's)
125-265	Sanitation Standard Operating Procedures (SOP's)
125-266	Sanitation Standard Operating Procedures (SOP's)
125-267	Sanitation Standard Operating Procedures (SOP's)
125-268	Sanitation Standard Operating Procedures (SOP's)
125-269	Sanitation Standard Operating Procedures (SOP's)
125-270	Sanitation Standard Operating Procedures (SOP's)
125-271	Sanitation Standard Operating Procedures (SOP's)
125-272	Sanitation Standard Operating Procedures (SOP's)
125-273	Sanitation Standard Operating Procedures (SOP's)
125-274	Sanitation Standard Operating Procedures (SOP's)
125-275	Sanitation Standard Operating Procedures (SOP's)
125-276	Sanitation Standard Operating Procedures (SOP's)
125-277	Sanitation Standard Operating Procedures (SOP's)
125-278	Sanitation Standard Operating Procedures (SOP's)
125-279	Sanitation Standard Operating Procedures (SOP's)
125-280	Sanitation Standard Operating Procedures (SOP's)
125-281	Sanitation Standard Operating Procedures (SOP's)
125-282	Sanitation Standard Operating Procedures (SOP's)
125-283	Sanitation Standard Operating Procedures (SOP's)
125-284	Sanitation Standard Operating Procedures (SOP's)
125-285	Sanitation Standard Operating Procedures (SOP's)
125-286	Sanitation Standard Operating Procedures (SOP's)
125-287	Sanitation Standard Operating Procedures (SOP's)
125-288	Sanitation Standard Operating Procedures (SOP's)
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125-290	Sanitation Standard Operating Procedures (SOP's)
125-291	Sanitation Standard Operating Procedures (SOP's)
125-292	Sanitation Standard Operating Procedures (SOP's)
125-293	Sanitation Standard Operating Procedures (SOP's)
125-294	Sanitation Standard Operating Procedures (SOP's)
125-295	Sanitation Standard Operating Procedures (SOP's)
125-296	Sanitation Standard Operating Procedures (SOP's)
125-297	Sanitation Standard Operating Procedures (SOP's)
125-298	Sanitation Standard Operating Procedures (SOP's)
125-299	Sanitation Standard Operating Procedures (SOP's)
125-300	Sanitation Standard Operating Procedures (SOP's)

SUBPART B: MEAT INSPECTION

Section

125-150	Livestock and Meat Products Entering Official Establishments
125-160	Equine and Equine Products
125-170	Facilities for Inspection
125-180	Sanitation
125-190	Ante-Mortem Inspection
125-200	Post-Mortem Inspection
125-210	Disposition of Carcasses and Parts
125-220	Disposition of Carcasses and Parts
125-230	Disposition of Carcasses and Parts
125-240	Disposition of Carcasses and Parts
125-250	Disposition of Carcasses and Parts
125-260	Disposition of Carcasses and Parts
125-270	Disposition of Carcasses and Parts
125-280	Disposition of Carcasses and Parts
125-290	Disposition of Carcasses and Parts
125-300	Disposition of Carcasses and Parts
125-310	Disposition of Carcasses and Parts
125-320	Disposition of Carcasses and Parts
125-330	Disposition of Carcasses and Parts
125-340	Disposition of Carcasses and Parts
125-350	Disposition of Carcasses and Parts
125-360	Disposition of Carcasses and Parts
125-370	Disposition of Carcasses and Parts
125-380	Disposition of Carcasses and Parts
125-390	Disposition of Carcasses and Parts
125-400	Disposition of Carcasses and Parts
125-410	Disposition of Carcasses and Parts
125-420	Disposition of Carcasses and Parts
125-430	Disposition of Carcasses and Parts
125-440	Disposition of Carcasses and Parts
125-450	Disposition of Carcasses and Parts
125-460	Disposition of Carcasses and Parts
125-470	Disposition of Carcasses and Parts
125-480	Disposition of Carcasses and Parts
125-490	Disposition of Carcasses and Parts
125-500	Disposition of Carcasses and Parts
125-510	Disposition of Carcasses and Parts
125-520	Disposition of Carcasses and Parts
125-530	Disposition of Carcasses and Parts
125-540	Disposition of Carcasses and Parts
125-550	Disposition of Carcasses and Parts
125-560	Disposition of Carcasses and Parts
125-570	Disposition of Carcasses and Parts
125-580	Disposition of Carcasses and Parts
125-590	Disposition of Carcasses and Parts
125-600	Disposition of Carcasses and Parts
125-610	Disposition of Carcasses and Parts
125-620	Disposition of Carcasses and Parts
125-630	Disposition of Carcasses and Parts
125-640	Disposition of Carcasses and Parts
125-650	Disposition of Carcasses and Parts
125-660	Disposition of Carcasses and Parts
125-670	Disposition of Carcasses and Parts
125-680	Disposition of Carcasses and Parts
125-690	Disposition of Carcasses and Parts
125-700	Disposition of Carcasses and Parts
125-710	Disposition of Carcasses and Parts
125-720	Disposition of Carcasses and Parts
125-730	Disposition of Carcasses and Parts
125-740	Disposition of Carcasses and Parts
125-750	Disposition of Carcasses and Parts
125-760	Disposition of Carcasses and Parts
125-770	Disposition of Carcasses and Parts
125-780	Disposition of Carcasses and Parts
125-790	Disposition of Carcasses and Parts
125-800	Disposition of Carcasses and Parts
125-810	Disposition of Carcasses and Parts
125-820	Disposition of Carcasses and Parts
125-830	Disposition of Carcasses and Parts
125-840	Disposition of Carcasses and Parts
125-850	Disposition of Carcasses and Parts
125-860	Disposition of Carcasses and Parts
125-870	Disposition of Carcasses and Parts
125-880	Disposition of Carcasses and Parts
125-890	Disposition of Carcasses and Parts
125-900	Disposition of Carcasses and Parts
125-910	Disposition of Carcasses and Parts
125-920	Disposition of Carcasses and Parts
125-930	Disposition of Carcasses and Parts
125-940	Disposition of Carcasses and Parts
125-950	Disposition of Carcasses and Parts
125-960	Disposition of Carcasses and Parts
125-970	Disposition of Carcasses and Parts
125-980	Disposition of Carcasses and Parts
125-990	Disposition of Carcasses and Parts
126-000	Disposition of Carcasses and Parts

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

125.290 Transportation
 125.295 Imported Products (Recalled)
 125.300 Special Services Relating to Meat and Other Products
 125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
 125.310 Application of Inspection
 125.320 Facilities for Inspection
 125.330 Sanitation
 125.340 Operating Procedures
 125.350 Ante-mortem Inspection
 125.360 Post-mortem Inspection; Disposition of Carcasses and Parts
 125.370 Rendering and Disposal of Condemned or Inedible Products at Official Rendering and Containers
 125.380 Labeling and Containers
 125.390 Entry of Articles into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
 125.400 Definitions and Standards of Identity or Composition
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implemented and authorized by the Meat and Poultry Inspection Act [25 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1702, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2137, effective February 26, 1985; peremptory amendment at 9 Ill. Reg. 1960, effective February 6, 1985; peremptory amendment at 9 Ill. Reg. 1565, effective April 1985; peremptory amendment at 9 Ill. Reg. 10109, 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10109, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 25, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 1743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1636, effective January 1987; peremptory amendment at 11 Ill. Reg. 1696, effective February 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 13, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 18383, effective October 13, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 15 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 3349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11487, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15728, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective September 7, 1994; amended at 18 Ill. Reg. 14921, effective September 27, 1994; peremptory amendment at 18 Ill. Reg. 14921, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 17666, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 18866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective May 15, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; peremptory amendment at 20 Ill. Reg. 12631, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 21 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 15372, effective November 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
POULTRY INSPECTION

Section 125.10 Definitions

- a) Terms shall be as defined in 9 CFR 301. 303.1(d)(2), (ii), (iii) (a), (b), (c), (d), (e) and (f), (iv), (v) and (vi), 381.13(d), 10(d), (2), (iii), (iii)(a), (b), (d), (iv), (v) and (vi), and 382.1(b) through (t) (1997-1998-59-PR-6955), effective January 5, 1995, unless they are otherwise defined in the Meat and Poultry Inspection Act [225 ILCS 650] (11th Rev. Stat. 1997, ch. 56-1/2, par. 304-4 et seq., as amended by P.A. 87-1657, effective January 3, 1992) or in this Section as follows:

"Act" means the Meat and Poultry Inspection Act [225 ILCS 650] (11th Rev. Stat. 1997, ch. 56-1/2, par. 304-4 et seq., as amended by P.A. 87-1657, effective January 3, 1992).

"Approved veterinarian" means any person who has graduated from a veterinary college that is recognized by the American Veterinary Medical Association.

"Birds" shall mean poultry as defined in Section 2.7 of the Act.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product made from rabbits or the processing, handling, or packaging which may affect the wholesomeness of such product.

"Livestock" means cattle, sheep, swine, buffalo, catalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and goats.

"Members of the household" means those persons who occupy a single family unit.

- b) With regard to the definitions of consumer and similar type

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

establishment, the Director has not designated any other type of establishment or institution under these terms other than those specifically stated in the incorporated language.

- c) With regard to the definitions of retail store, only those sections which are incorporated by reference as stated in Section 125.10(a) shall be included in the definition. References within the incorporated language to the section of the federal rules pertaining to operations of types traditionally and usually conducted at retail stores and restaurants refer to the operations defined in Section 5(A) of the Act. References to the section of the federal rules pertaining to Section 5 of the Act shall be prepared in any retail store, restaurant or similar retail-type establishment.

- d) References in the incorporated language to 9 CFR 312 and 313 shall be interpreted as references to Sections 125.90 and 125.220 respectively. References to the Humane Methods and Slaughter Act of 1978 shall mean as set forth in Section 125.220.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 125.20 Incorporation by Reference of Federal Rules

- a) The federal rules that have been incorporated by reference in this Part do not include any future amendments, additions or deletions beyond the date specified.

- b) For the purposes of administering the federal rules:

- 1) References to U.S., U.S. Department of Agriculture, Animal and Plant Health Inspection Service or Food Safety and Inspection Service Standards-and-labeling-Edition shall mean Illinois, Illinois Department of Agriculture, and the Bureau Division of Meat and Poultry-Poultry-and-Bovestock Inspection, respectively.
- 2) References to federal personnel (e.g., Secretary, Administrator, Regional Director, Area Supervisor, Circuit Supervisor, and Program Employee) shall mean the Director and State Inspector of the Illinois Department of Agriculture, respectively.
- 3) Incorporations by reference shall mean State inspection terms, including but not limited to, promptly, properly, adequately, sufficiently, acceptable, abundant, ample, and thoroughly are considered superfluous. Compliance with the expressed provisions of the Act and the rules of this Part will be deemed sufficient.
- 4) References to Subchapter shall mean in accordance with provisions of this Part. References to the federal Rules of Practice shall mean in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] and the Department's Administrative Rules [8 Ill. Code 101, Section 125-06]. References within the incorporated language to other parts and sections of the federal meat

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENT

Section 125.110 Exemptions

- a) Meat and/or poultry and meat and/or poultry products exempted from ante-mortem and post-mortem inspection requirements shall be as set forth in the Department's interpretation of meat and/or poultry products and meat and/or poultry products which are exempted from ante-mortem and post-mortem inspection shall be in accordance with Section 5 of the Act (i.e., they cannot be transported in commerce). Labeling requirements on such exempted meat and/or poultry and meat and/or poultry products shall be as stated in Section 5 of the Act.
- b) The Department incorporates by reference 9 CFR 303.2 (1997 1999).
- c) The Department incorporates by reference 9 CFR 303.1(e) and 9 CFR 381.10(e) (1997 57-PR-34747-1999).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.120 Disposal of Dead Animals and Poultry

The collection, transportation, and disposal of carcasses or parts of carcasses of animals or poultry that have died other than by slaughter at an official establishment shall be in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 510] 4433-Rev-Stat-1989-ch-87-par-1491-et-seq-7 and the rules adopted pursuant thereto (8 Ill. Adm. Code 90), unless such animals or poultry are custom slaughtered and delivered by the owner to an official establishment for custom processing in accordance with Section 5 of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.130 Reportable Animal and Poultry Diseases

Any animal or poultry suspected of being infected with a reportable disease (see 8 Ill. Adm. Code 85.10) shall be reported by the inspector or veterinarian in accordance with the Illinois Diseased Animals Act [510 ILCS 501] 4433-Rev-Stat-1989-ch-87-par-1460-et-seq-7 and the rules adopted pursuant thereto (8 Ill. Adm. Code 85).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.140 Detention, Seizure; Condemnation

- a) The Department incorporates by reference 9 CFR 329.1 through 329.5(a) and 329.5(c), and 381.210 through 381.214(a) and 381.214(c) (1997 1999).
- b) Reference in the incorporated language to Title I and II of the Act, or any other federal law, laws of any territory or the District of

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENT

Columbia, notification of federal authorities not connected with the program, and Section 404 of the Act are not applicable to the Department in its enforcement of the incorporated language. References to federal form 8080-Forma-MP-484-EP-484-CP-479-and MP-479 shall mean Illinois form MI-51 forma-MP-17-and-MI-18. Illinois retained or Illinois seizure tags are used in lieu of Federal form FSI9100-2 MP-489. The Department issues a Notice of Seizure form MP-489.

- c) Meat and/or poultry and meat and/or poultry product that is detained shall be released when it is in conformance with the Act and the rules of this Part. The Department shall verbally inform, followed up with written notification, the owner or person in charge of the detained meat and/or poultry or meat and/or poultry product as to what action must be taken to bring the meat and/or poultry or meat and/or poultry product into compliance. Meat and/or poultry or meat and/or poultry products shall be condemned as stated in Section 15 of the Act.

- d) Condemned meat and poultry products shall be effectively destroyed for human food purposes by the owner of the meat or poultry product under the supervision of an inspector (quoted from Section 15 of the Act) in accordance with the denaturing procedures as set forth in Section 15-90 (type of the incorporated language and/or poultry product) of the Act and the meat and/or poultry or meat and/or poultry product refuses to destroy the condemned meat and/or poultry or meat and/or poultry product, the Department shall take judicial action in the circuit court within the jurisdiction where the condemned product was found to confiscate the condemned meat and/or poultry or meat and/or poultry product in order to denature such meat and/or poultry or meat and/or poultry product so it cannot be used for human food purposes.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.141 Sanitation Standard Operating Procedures (SOP's)

The Department incorporates by reference 9 CFR 416 (1997). The applicability date for 9 CFR 416 will be October 1, 1997.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 125.142 Hazard Analysis and Critical Control Point (HACCP) Systems

The Department incorporates by reference 9 CFR 417 (1997). The HACCP regulations set forth in 9 CFR 417 and related provisions set forth in 9 CFR 304, 327, and 381 will be applicable as follows:

- a) All meat establishments, defined as all establishments with 500 or more employees, existing on or after January 1, 1998.
- b) In smaller establishments, defined as all establishments with 10 or

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

more employees but fewer than 500, on October 1, 1999;
 c) In very small establishments, defined as all establishments with fewer than 10 employees or annual sales of less than \$2.5 million, on October 1, 2000.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 125.143 Imported Products

The Department incorporates by reference 9 CFR 327.2, 327.7, and 391.196 (1997).

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUPPORT B: MEAT INSPECTION

Section 125.150 Livestock and Meat Products Entering Official Establishments

The Department incorporates by reference 9 CFR 302.3 (1997 1999).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.160 Equine and Equine Products

The slaughter, labeling, denaturing, and transportation of equine and equine products shall be in accordance with the Illinois Horse Meat Act (225 ILCS 633) (1997-Rev-Sept-1999; ch. 56-1/2; par. 240-ec-seq.) and the rules adopted pursuant thereto (8 Ill. Adm. Code 70).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.170 Facilities for Inspection

a) The Department incorporates by reference 9 CFR 307.1, 307.2, 307.3 and 307.7 (1997 1999).

b) The inspector's office shall be approved if it is in compliance with the requirements for inspection of the office as set forth in the "Sanitation Handbook for Meat and Poultry Inspection" and the "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted in Section 125.20 and the provisions of this Section. The office will be considered as being in a convenient location if it is on the premises of the official establishment or located in a building adjacent to the official establishment. Small plants (as identified in 9 CFR 307.1) shall furnish an inspector's

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

office either at the establishment or in a building adjacent to the official establishment.

c) Facilities and equipment shall be provided by the official establishment as necessary to meet the operational needs (e.g., slaughtering facilities, processing facilities) of the establishment and the Department shall construct such facilities and equipment as being adequate, suitable or sufficient if the operational needs of the establishment can be met and inspection and sanitary conditions maintained in accordance with the rules of this Part.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.180 Sanitation

a) The Department incorporates by reference 9 CFR 308.1 through 308.5(a), 308.5(g) and 308.6 through 308.16 (1997 1999).

b) The Department shall approve construction of an establishment or the remodeling of an establishment if such establishment or the remodeling is in accordance with "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted by the Department in Section 125.20.

c) The Department will permit for use in any official establishment equipment or utensils that are on the "List of Accepted Meat and Poultry Equipment" as adopted in Section 125.20.

d) The Department shall approve the reuse of water for the specific purposes set forth in the Department's Manual, 9 CFR 308.4(d)(2) and 308.4(d)(3) for use in potable water, 9 CFR 308.3(d)(1)(i). An analysis of the water potability at an official establishment shall be furnished to the inspector annually by the licensee if the water supply comes from a municipal water source or semi-annually if the water supply comes from a well or cistern. Additional water potability reports shall be required to be furnished whenever the inspector has reason to believe the water is not potable (e.g., water main break or results from laboratory tests indicate that water could be the cause of the product being adulterated).

e) Any of the control procedures for excluding files or vermin as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 shall be approved for use in an official establishment.

f) When determining if sanitation requirements are being or can be met, the Department shall consider the facilities, equipment and the operation of the establishment and the sanitary if they are in compliance with the "Sanitation Handbook for Meat and Poultry Inspection" and the operating procedures and sanitation requirements in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 and the provisions of this Section.

g) Pest control substances (e.g., insecticides or rodenticides) and

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- disinfectants used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted in Section 125.20.
- b) Slack barrels and other containers used in the shipping of meat products shall be lined with plastic or a paper of such quality that it will not readily tear when moistened from contact with the meat or meat product.
- i) Barrels, boxes and other containers used for shipping meat products shall be considered as unfit for use if they are torn, broken, have lost their original shape or are wet.
- j) Equipment, utensils, rooms or compartments which were found in violation of the sanitation requirements of this Section shall be considered "unfit for use" when they are in compliance with the rules of this Part.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.190 Ante-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 309.1 through 309.4(a), 7447-effective-May-31-1998). (see 9 CFR 311.27) and where the inspector cannot determine whether or is unable to return to the establishment the owner of the animal shall obtain the services of a licensed veterinarian who shall perform an ante-mortem examination on the animal. If upon examination the animal shows no symptoms of disease or abnormal conditions that would prohibit its intended use as human food in accordance with the provisions of this Section, the veterinarian shall prepare a written statement to the effect that the animal is in compliance with ante-mortem requirements of this Section and can be slaughtered at the official establishment. The veterinarian's statement shall be kept on file by the official establishment in accordance with Section 125.100. The costs of the veterinary services shall be borne by the owner of the animal.
- c) The Department shall provide the necessary holding pens where such animals can be kept apart from the other livestock awaiting slaughter and the owner of the animal(s) agrees to the treatment and assumes the cost of such treatment. Following treatment, the animal shall be released from slaughter at the request of the owner or of the official establishment and permitted to be transported from the establishment provided the animal was not infected with a reportable disease (see Section 125.130).
- d) An animal found in a comatose or semicomatose condition shall be set apart from the other livestock and held for further observation at the request of the owner or the official establishment.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- e) "Other responsible official supervision" shall mean under the supervision of a licensed veterinarian or a program employee of the U.S. Department of Agriculture.
- f) At the option of the owner of the animal, any animal identified as a suspect may be reinspected by a veterinarian as set forth in Section 9 of the Act or the animal shall be slaughtered and identified in accordance with the provisions of this Section.
- g) An animal will be withheld from slaughter to permit biological residues to be reduced in accordance with 9 CFR 309.16 when the owner informs the inspector that the animal was taking chemicals or drugs that as evidence to suggest that the animal was taking chemicals or biological products. In such cases, the withholding period for holding such animal shall depend on the withdrawal time of the chemical or biologic that was administered to the animal. The inspector shall permit the slaughter of such animal (see 9 CFR 309.16a) when requested by the official establishment or by the owner of the animal.
- h) The inspector shall approve the use by any establishment of any skin tattoo that contains a number identifying the animal or lot. The identifying number for the skin tattoo shall be assigned by the inspector.
- i) Reference to federal form F5150-1 MW-482-2 shall mean Illinois form V-3. References in the incorporated language to CFR 314 shall be interpreted to mean in accordance with Section 125.130.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.200 Post-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 310.1(a) 3104et and 310.2 through 310.21, and 310.23 (1997 1998-55-PR-7477-effective-May-31-1999-60-PR-6648-effective-February-20-1999-55-PR-29564-effective-August-20-1998), except that the preparation of meat and meat products for nonhuman food purposes (e.g., dog food) is not required to meet an official establishment. The preparation of human food products shall be subject to the provisions of the Illinois Dead Animal Disposal Act. The Department incorporates by reference 9 CFR 310.25 (1997); the E. coli process control testing regulations set forth in 9 CFR 310.25(a) will be applicable on October 1, 1997, and the Salmonella pathogen reduction performance standards regulations set forth in 9 CFR 310.25(b) will be applicable simultaneously with applicability dates for implementation of HACCP in Section 125.142.
- b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310.1(a) 3104et shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.
- c) In the case of emergency slaughter and where a veterinarian was

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified as set forth in 9 CFR 310.2 and held for the inspector. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.

- d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.
- e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of the official establishment shall be approved if such methods will accomplish the specific provisions as stated in the paragraph.
- f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.
- g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.
- h) References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- i) Facilities for handling and inspecting cow udders shall be as set forth in U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout as adopted in Section 125.20.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts

- a) The Department incorporates by reference 9 CFR 311 (1987 1998).
- b) For the purpose of administering the incorporated language, the laboratories referred to shall mean any approved laboratory as defined in 8 Ill. Adm. Code 20.1. "Properly prepared and packaged" shall mean that the specimen shall be wrapped so as to prevent adulteration of the specimen and any leakage from the package.
- c) An approved freezing facility is an establishment licensed under the Illinois Refrigerated Warehouses Act [240 ILCS 351 (1997-Rev-Stat-1997-en-30-21)-par-191-et-seq-].

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.220 Humane Slaughter of Animals

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

Animals shall be slaughtered in accordance with the Humane Slaughter of Livestock Act [510 ILCS 75] "AN Act to define and require the use of humane methods in the handling, preparation for slaughter, and slaughter of livestock for meat or meat products to be offered for sale." (1991-Rev-Stat-1989-ch-87 par--229-31--et-seq-) and the rules adopted pursuant thereto (8 Ill. Adm. Code 50).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment

- a) Condemned and inedible products shall be disposed of by persons licensed in accordance with the Illinois Dead Animal Disposal Act (see Section 125.120). If the official establishment has no facilities for tanking the condemned carcasses or meat products or if the inspector cannot leave the slaughter area, the condemned meat or meat products shall be denatured as set forth in 9 CFR 314.3 (1987 1998) before they leave the official establishment.
- b) The Department incorporates by reference 9 CFR 314.2, 314.7, and 314.9 through 314.11 (1997 1998).
- c) The Department does not permit animals that have died other than by slaughter in accordance with the humane slaughter exemption of 5 of the Act to be brought to the official establishment. Official establishments, except for animals which have died en route. Animals that have died en route to the official establishment shall be disposed of by licensed renderers (see Section 125.120).
- d) Pipes and chutes shall be installed in accordance with the provisions of Section 125.180.
- e) Proprietary material shall be as set forth in the "List of Proprietary Substances and Nonfood Compounds" as adopted in Section 125.20.
- f) "Denaturing of carcasses to the extent necessary to preclude its use for food purposes" shall mean that one of the denaturing methods in 9 CFR 325.13 as adopted in Section 125.290 must be used.
- g) Carcasses or parts of carcasses condemned on account of anthrax shall be disposed of in accordance with the provisions of Section 125.120.
- h) Specimens of condemned or other inedible products shall be released in compliance with the specific provisions of 9 CFR 314.3. The meat, if a sanitary problem or objectionable condition would be in the case of a sanitary problem.
- i) The movement of live and condemned products from an official establishment will be permitted in accordance with the provisions of Section 125.120.
- j) Reference to federal form FSIS 5700-2 MP-449-i-0 shall mean Illinois form MI-10. References in the incorporated language to other sections within 9 CFR 314 that have not been adopted shall be interpreted to mean in accordance with the provisions of this Section. References to

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- a) With regard to the inspection and processing of exotic animals, the Department incorporates by reference 9 CFR 352.1, 352.3, 352.11, 352.12, 352.13, 352.14, 352.15, 352.16, and 352.17 (1997 1998).
- b) The Department incorporates by reference 9 CFR 352.7 (1997 1998), except that the description of the official inspection legend and brand shall be as described in Section 125.90.
- c) References in the incorporated language to 9 CFR 304, 317, 309, 310, 311, 314, 318, 320, and 325 shall be interpreted as references to the provisions in Sections 125.30, 125.30, 125.250, 125.190, 125.200, 125.210, 125.230, 125.270, 125.100 and 125.290, respectively.
- d) References in the incorporated language to 9 CFR 313 shall be interpreted as references to Section 125.220.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: POULTRY INSPECTION

Section 125.310 Application of Inspection

The Department incorporates by reference 9 CFR 381.3(c) through (e) and 381.7 (1997 1998), unless such products are exempted from inspection in accordance with Section 5 of the Act. All rabbits that are eviscerated in an official establishment shall be inspected for condition and wholesomeness and no dressed rabbits or uninspected products of rabbits shall be brought into an official establishment, unless they are exempt from inspection in accordance with Section 5 of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.320 Facilities for Inspection

- a) The Department incorporates by reference 9 CFR 381.36 (1997 1998).
- b) The Inspector's office shall be approved if it is in compliance with the requirements for an inspector's office as set forth in the "Sanitation Handbook for Meat and Poultry Inspection" as adopted in Section 125.20 and the provisions of this Section. The office will be considered as being in a convenient location if it is on the premises of the official establishment or located in a building adjacent to the official establishment. Small plants (as identified in 9 CFR 381.36) which slaughtering shall furnish an inspector's office either at the establishment or in a building adjacent to the official establishment.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

Section 125.330 Sanitation

- a) The Department incorporates by reference 9 CFR 381.45 through 381.53(a)(1), 381.53(c) through 381.59, and 381.61 (1997 1998).
- b) The Department shall approve the construction of an establishment or the remodeling of an establishment if such establishment or the remodeling is in compliance with "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted by the Department in Section 125.20 and the provisions of this Section.
- c) The Department will permit for use in any official establishment equipment or utensils that are on the "List of Accepted Meat and Poultry Equipment" as adopted by the Department in Section 125.20. Any equipment or utensil not on the list that the Department deems can be met.
- d) The Department shall consider the facilities, equipment and the operations of the establishment as being sanitary if they are in compliance with the "Sanitation Handbook For Meat and Poultry Inspection" and the sanitation requirements and operating procedures as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 and the provisions of this Section.
- e) An analysis of the water potability at an official establishment shall be furnished to the Inspector annually by the licensee if the water supply comes from a municipal water source or semi-annually if the water supply comes from a well or cistern. Additional water potability reports shall be required to be furnished whenever the inspector has reason to believe the water is not potable (e.g., water main break or results from laboratory tests indicate that water could be contaminated). The Department shall have the right to require that the licensee do not have any approved methods for reclaiming wastewater and will accept any method which does not cause adulteration of poultry or poultry products.
- g) Any receptacle used for holding condemned carcasses shall be equipped for locking and sealing.
- h) It is the Department's policy that equipment and utensils used in an official establishment shall not be used outside the official establishment.
- i) Any of the control procedures for excluding flies or vermin as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 shall be approved for use in an official establishment.
- j) Germicides, insecticides, rodenticides, detergents, wetting agents and other compounds which are used in an official establishment shall be approved for use in any official establishment. Substances approved by the Department shall be adopted by the Department in Section 125.20. The manner in which such compounds are used shall be in accordance with the manufacturer's label.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

shall be passed for food purposes after removal and condemnation of the affected parts.

- i) In the disposal of carcasses and parts of carcasses of rabbits showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in such manner and are of such character that the parasites are not expected to be readily removed, the entire carcass shall be condemned. A portion of the carcass, or part of the carcass, shall be certified for food purposes after the removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be certified as capable for use as human food and the entire carcass shall be condemned. Carcasses of rabbits infested with a hydatid cyst or cysts (echinococcus granulosus), transmissible to dogs and from dogs to man, shall be condemned. In all cases be condemned regardless of the degree of infestation.
- j) Carcasses of rabbits showing such degree of emaciation or anemic condition as would render the meat unwholesome, and carcasses which show a slimy degeneration of the fat or a serious infiltration of the muscles shall be condemned.
- k) Carcasses of poultry, the viscera and any part removed from the carcass shall be kept together and identified by a lot number until the inspector performs a post-mortem inspection.

1) The Department's hearing rules are set forth in Section 125-60.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 125-270. Handling and Disposal of Condemned or Inedible Products at Official Establishments

Condemned and inedible poultry and/or poultry products shall be disposed of by persons licensed in accordance with the Illinois Dead Animal Disposal Act (see Section 125-120). If the official establishment has no facilities for tanning the condemned carcasses or poultry products or if the inspector cannot leave the slaughter area, the condemned poultry or poultry products shall be denatured as set forth in 9 CFR 381.95(c) (1997 1998).

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

Section 125-380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.133 through 381.140, 381.141(a) through 381.143(d), 381.144 through 381.150, 381.152 through 381.159, 381.161 through 381.163, 381.165 through 381.167, 381.169 through 381.171, 381.173 through 381.175, 381.177 through 381.179, 381.181 through 381.183, 381.185 through 381.187, 381.189 through 381.191, 381.193 through 381.195, 381.197 through 381.199, 381.201 through 381.203, 381.205 through 381.207, 381.209 through 381.211, 381.213 through 381.215, 381.217 through 381.219, 381.221 through 381.223, 381.225 through 381.227, 381.229 through 381.231, 381.233 through 381.235, 381.237 through 381.239, 381.241 through 381.243, 381.245 through 381.247, 381.249 through 381.251, 381.253 through 381.255, 381.257 through 381.259, 381.261 through 381.263, 381.265 through 381.267, 381.269 through 381.271, 381.273 through 381.275, 381.277 through 381.279, 381.281 through 381.283, 381.285 through 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DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 201.

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997) 49-PR 2335-effective-daily-17-1984).

n) Labels and devices approved for use pursuant to Section 125.30 and this Section shall be disposed of when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposal.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling in Section 125.30. The overtime costs shall be in accordance with 9 CFR 381.138.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Inspections; Processing Requirements

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.148, 381.150 through 381.151, 381.200, 381.300 through 381.311 (1997 1998-55-PR-5596-effective-March-28-1998-55-PR-28969-effective-July-6-1998-56-PR-65379-effective-January-15-1997-57-PR 28893-effective-July-24-1997-59-PR-435588-effective-October-27-1997-58-PR-4867-effective-February-17-1997-56-PR-42189-effective-September-8-1993-58-PR-63833-effective-December-30-1993-61-PR 18847-effective-June-24-1997-61-PR-39373-effective-August-28-1998).

b) No poultry or poultry product shall be brought into an official establishment unless it is inspected and passed by an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.99, the Federal inspection legend, or is exempt from inspection as stated in Section 125.110. However, poultry or poultry products imported into the United States may be transported to an inspection site in accordance with the provisions of 9 CFR 381.200 for reinspection.

c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally received at any official establishment and may not be returned to the official establishment or to any other receiving area until it has been reinspected and passed by the inspector.

d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit inspection.

f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

h) Ready-to-heat-and-eat poultry or stuffed ready-to-heat poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.130 (specifically the incorporated language in 9 CFR 381.66(f)(3)).

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).
- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.
- l) Disinfectants which may be used in an official establishment shall be those products which are listed in the "Poultry Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.400 Definitions and Standards of Identity or Composition

- a) The Department incorporates by reference 9 CFR 381: Subpart P (1997 1998--55--PR--34678--effective--September--24--1998--69--PR--559627 effective--November--4--1996).
- b) Cooling of poultry shall be in accordance with the provisions set forth in Section 125.330.
- c) Definitions and standards of identity or composition for poultry products shall be as set forth in this Section and in Section 13(d) of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 125.410 Transportation; Sale of Poultry or Poultry Products

- a) The Department incorporates by reference 9 CFR 381.189 through 381.193 (1997 1998) 7-69-PR-43356-effective-September-28-1995.
- b) Transportation of dead, dying, disabled or diseased poultry and parts of carcasses or poultry that has died otherwise than by slaughter at an official establishment, unless exempt from inspection and transportation requirements as set forth in Section 125.110, shall be in accordance with Section 125.120.
- c) The manner for handling heads and feet of poultry shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- d) References in the incorporated language to USDA and PPRA shall mean the Illinois Department of Agriculture and the Poultry and Poultry Inspection Act, respectively. References to "penalties in Section 11 of the Act" shall mean as set forth in Section 19 of the Meat and Poultry Inspection Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Claims, Adjudication, Appeals and Hearings2) Code citation: 56 Ill. Adm. Code 27203) Section Numbers: Proposed Action:

2720.30 Amended Section

2720.200 Amended Section

2720.205 Amended Section

2720.210 Amended Section

2720.215 Amended Section

2720.240 Amended Section

2720.255 Amended Section

2720.265 Amended Section

4) Statutory Authority: 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302, and 2304.5) A Complete Description of the Subjects and Issues Involved: The amendment to Section 2720.30 clarifies how the Referee will distinguish the changed portions of a corrected decision.

The amendment to Section 2720.200 sets forth what is required to file to an appeal. In particular, the amendment eliminates the requirement that an appeal specify the grounds for disagreement.

The amendment to Section 2720.205 clarifies that, if a continuance is needed due to an insufficient notice of the hearing, any further corrective action is limited to only the issue for which insufficient notice was given.

The amendment to Section 2720.210 clarifies the type of interpreter that must be furnished at an individual's own expense, so as to not violate the Americans with Disabilities Act. The rule also specifies that, for a telephone hearing, the file can be reviewed only at the 30 days before the hearing request for review must be done at least 30 days before the hearing.

This amendment establishes telephone hearings as the norm, with in-person hearings as the exception. Good cause for an in-person appearance by a party is set forth.

The change to Section 2720.240 sets forth an additional ground for allowing a continuance and sets a limit on the amount of time granted to continue a hearing.

The change in Section 2720.246 makes clear a situation that does not

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

constitute a bifurcated hearing. Some other technical changes are made.

The amendment to Section 2720.255 clarifies the responsibilities and consequences for parties' failure to appear and testify as requested and sets forth the standard for the reopening of the record and decision in a case of failure to appear. The amendment makes some technical changes in the procedural handling of reopened rulings. The rulemaking also provides that, if a party or witness refuses to take an oath or affirmation, he or she will be considered not to have appeared at the hearing.

The amendment to Section 2720.265 allows for possible technological advances in the methods for recording the testimony at a hearing.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed amendment contain incorporations by reference? No.9) Are there any other proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312/793-4240

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider comments received during this period and the period required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment may have an impact on small businesses and not for profit corporations as defined in Sections 1-75 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business or not-for-profit corporation as part of any written comments that they submit to the

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business, small municipalities and not for profit corporations affected: The proposed rule affects all employers in the same manner.
- B) Regulatory burden or other procedures required for compliance: No special procedures are required.
- C) Types of professional skills necessary for compliance: No special skills are required.

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY

SUBCHAPTER a: GENERAL PROVISIONS

PART 2720

CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section

2720.1	Definitions
2720.3	"Week" in Relation To "Benefit Year"
2720.5	Service Of Notices, Decisions, Orders
2720.7	Application For Electronic Data Transmission
2720.10	Computation Of Time
2720.15	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.20	Attorney Representation Of Claimants
2720.25	Form Of Papers Filed
2720.30	Correction Of Technical Errors

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section

2720.100	Filing A Claim
2720.101	Filing, Registering And Reporting By Mail Under Special Circumstances
2720.105	Time For Filing An Initial Claim For Benefits
2720.106	Dating Of Claims For Weeks Of Partial Unemployment
2720.107	Employing Unit Reports For Partial Unemployment
2720.108	Alternative "Base Period"
2720.110	Required Second Visit To Local Office (Repealed)
2720.115	Continuing Eligibility Requirements
2720.120	Time For Filing Claim Certification For Continued Benefits
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)
2720.126	Availability For Part-Time Work Only (Repealed)
2720.127	Attorney's Approval Of Training (Repealed)
2720.128	Attorney's Approval Of Training At Training Courses (Repealed)
2720.129	Regular Attendance In Approved Training (Repealed)
2720.130	Employing Unit Protest Of Benefit Payment
2720.132	Required Notice By An Employer Of Separation For Alleged Felony Or Theft Connected With The Work
2720.135	Adjudicator Investigation
2720.140	Adjudicator Determination
2720.145	Payment Of Unemployment Insurance Benefits For Initial Claims
2720.150	Applying For Unemployment Insurance Benefits Under Extension Programs
2720.155	Non-Resident Application For Benefits

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Reconsidered Findings Or Determination

SUBPART C: APPEALS TO REFEREE

2720.160	Section
2720.200	Filing Of Appeal
2720.201	Application For Electronic Data Transmission Of Notice Of Hearing
2720.205	Notice Of Hearing
2720.210	Preparation For The Hearing
2720.215	Format Of Hearings
2720.220	Ex Parte (One Party Only) Communications
2720.225	Subpoenas
2720.227	Depositions
2720.230	Consolidation Or Severance Of Proceedings
2720.235	Withdrawal Of Appeal
2720.240	Continuances
2720.245	Guidelines For Hearing
2720.250	Rules Of Evidence
2720.255	Failure Of Party To Appear At The Scheduled Hearing
2720.265	The Record
2720.270	Referee's Decision
2720.275	Labor Dispute Appeals
2720.277	Prehearing Conference In Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW

2720.300	Section
2720.305	Filing Of Appeal
2720.310	Notice Of Appeal
2720.315	Written Position Argument
2720.315	Submission Of Written Argument Or Request To Submit Additional Evidence
2720.320	Access To Record
2720.325	Withdrawal Of Appeal
2720.330	Consolidation Or Severance Of Appeals
2720.335	Decision Of The Board Of Review
2720.340	Extensions Of Time In Which To Issue A Board Of Review Decision
2720.345	Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 1767, 701, 702, 706, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 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2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF PROPOSED AMENDMENTS

the period for filing an appeal to the circuit court.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: APPEALS TO REFEREE

Section 2720.200 Filing Of Appeal

- a) Any party may appeal an Adjudicator's Determination or Finding finding. An appeal should be filed in person at or by mail to the local office where the claim was filed.
- b) The appeal must be filed within 30 days after the Adjudicator's Determination determination or Finding finding was mailed or hand delivered to the parties (see 2720.100).
- c) No special appeal should be filed to file an appeal to the Referee. The appeal should comply with the following requirements:
 - 1) The appeal must be in writing, dated and signed by the person appealing or his representative; and
 - 2) The appeal must be limited to one claimant and contain the name and Social Security number of the claimant; and
 - 3) The appealing party must set forth the parts of the decision with which the appealing party disagrees and the specific reasons for that disagreement.

§147 An appeal of a labor dispute Determination determination to a Director's Representative under Section 604 of the Act and 56 Ill. Adm. Code 2720.275 may be filed by any party to a Determination or an agent representing all members of the affected class of workers by listing only all Social Security account numbers of the employees on the appeal.

§148 At the request of any appellant, an Adjudicator at the local office assist the appellant to file the appeal. In such event, the Adjudicator providing assistance and the appellant will sign the appeal.

§149 The Agency will promptly schedule a hearing before a Referee and, except as provided in Section 2720.201, mail notice of the hearing to the parties. (Customarily notice of hearing will be mailed within 15 days after of the filing of the appeal.)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2720.205 Notice Of Hearing

- a) Written notice of the time, date and place of the hearing shall be mailed to the parties at least 10 days before the date of the hearing.
- b) The notice will identify the parties and the findings or Determination.

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF PROPOSED AMENDMENTS

being appealed and will inform the parties of the issues upon which the appeal is based.

- c) In the event that a claimant appeals an Adjudicator's Determination regarding a separation issue (Sections 601, 602, 603 of the Act), and where the employing unit from which the separation occurred is not a party, such employing unit will receive notice of hearing which it may attend as a nonparty and present such facts and evidence as it may possess.

- d) No hearing, or part of a hearing shall be conducted on an issue to which the parties have not been given notice pursuant to subsections (a) and (b) of this Section, unless such notice is waived by all parties either in writing or on the record.

- e) Unless notice is waived pursuant to subsection (d), if during or after the hearing the Referee determines that the facts require a Decision mailed to the parties, the Referee shall mail the Decision and a copy of the notice given pursuant to subsections (a) and (b) or that the notice does not accurately describe the question at issue, then the Referee shall immediately terminate the hearing, if applicable, issue no Decision on the merits for the Section(s) or questions for which proper notice was not given and shall either:
 - 1) Remand the unresolved issue(s) case back to the Claims Adjudicator for a Finding or Determination on the correct issue(s) if facts or issues are introduced which were not previously presented to the Claims Adjudicator; or,

Example: The Referee is examining the claimant with respect to the reason for separation from work. During the course of the hearing the claimant indicates that he may not be able to work. Under the circumstances the Referee shall determine whether the Referee shall refer the Adjudicator for a Determination under Section 600 of the Act.

- 2) Cause new notices containing the correct issue(s) to be mailed to the parties where the facts remain the same as presented to the Claims Adjudicator but the incorrect issue was identified. Example: Based solely on the testimony of the claimant, the Claims Adjudicator determines that the claimant was discharged from his last job. After hearing testimony from the parties, the Referee decides that the separation was caused by the claimant's voluntary resignation. Here, if the parties refuse to waive notice, the Referee shall cause new notices containing the correct issue to be mailed to the parties.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2720.210 Preparation For The Hearing

- a) Each party shall appear at the hearing before the Referee with

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

witnesses or documents it believes to be necessary to establish or refuse allegations set forth in the appeal.

- b) A party requiring a foreign language an interpreter must provide, at its expense, an interpreter able and willing to translate verbatim from the witness's language into English and vice versa. The Referee will administer an interpreter's oath to any interpreter.

- c) Upon timely request to the Referee assigned to the case, or his supervisor prior to the beginning of an in-person hearing, a party may inspect the file during the Agency's regular business hours at the office of the Referee assigned to the case. The date and name of any inspection shall be noted in the file. The Referee shall also note in the case of a telephone hearing, a file may be inspected at the office of the Referee at the local office where the claim was filed. If such request is made at least two working days prior to the hearing, where the request is timely made, the Department shall provide the party making the request with an opportunity to inspect the file at least 24 hours prior to the hearing or at any other office of the Agency if such a request is made five working days prior to the hearing.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2720.215 Forest of Hearings

- a) Except as otherwise provided in subsection (b), hearings shall be conducted by telephone. In person unless the claimant or employer is located outside of the State at the time the notice of hearing is sent. Such in-person hearing shall be conducted at a location where Referee hearings are regularly scheduled and, whenever possible, be conducted at a location near the local office where the claim was filed. The Agency shall advise Referees throughout the State in a manner designed to maximize efficiency while providing the greatest possible convenience.

- b) A witness or party may appear in person by telephone, upon the Referee's motion or upon the request of the witness or party for a good reason. The Referee shall provide the party with the opportunity to appear in person. Where a Referee schedules an in-person appearance on his own motion, the witness or party may appear by telephone, upon the witness' or party's request, where the request is received by the Referee prior to the date of the hearing, unless the witness is required to appear in person pursuant to this subsection. A witness or party who requests to appear by telephone shall be required to appear in person if the Referee finds that an in-person appearance is necessary for the furnishing of interpretive services to a party who is hearing or speech impaired, or due to the volume or complexity of the evidence or for the proper disposition of the claim. If the Referee denies or requires the in-person appearance of a witness or

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

party who has requested to appear by telephone, the reasons for doing so shall be stated on the record.

- c) A party appearing by telephone shall submit to the Referee and any opponent any documents that it intends to introduce at the hearing in time to ensure receipt of the documents before the date of the scheduled hearing. If a party is appearing by telephone in a matter that has been remanded by either the Board of Review or the Circuit Court and the opposing party was represented by an attorney before the body which ordered the matter remanded, copies of such documents must be served on the attorney before the hearing. Any party who fails to comply with this subsection shall be deemed to have waived the right to introduce or reference in the course of the hearing any document introduced or referred to. The Referee shall continue the hearing until such document is received or proceed with the hearing with or without such admission of such document. If the Referee proceeds with the scheduled hearing, the reasons for the admitting or not admitting such document shall be stated on the record.

- d) This Section shall not apply to appeals of decisions relating to the amount of wages found in a claimant's base period; those cases will be governed by the provisions of Section 2725.200.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2720.240 Continuances

- a) The Referee to whom the appeal was assigned, or a hearings supervisor if the Referee is not available, shall grant a continuance requested by a party only for "exceptional reasons". The request must be made in person, by telephone, or in writing, and such request must be received prior to the conclusion of the hearing. Such "exceptional reasons" are limited to:

- 1) Compassionate Grounds:
 - A) Medical reasons that prevent the individual from appearing. If the Referee is provided medical documentation of a medical condition, including but not limited to a previously scheduled medical appointment, emergency, or disorder, public utility emergency, military necessity, or other unforeseen circumstances such as accident, flood, fire, civil disorder, medical emergency or death of a family member.
 - B) Medical emergency or death of a family member.
- 2) Unforeseen circumstances such as accident, flood, fire, civil disorder, public utility emergency, military necessity, or other insuperable interference.
- 3) A demand by a party to obtain legal representation or to inspect the case file, provided that it is shown at the time of the request that due diligence was exerted to obtain such representation or to inspect the file.
- 4) The claimant is employed, is scheduled for an employment interview or is participating in a training program, and is required by the Director under the provisions of Section 5002.5 of the

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Act at the time of the hearing and cannot reasonably appear at the hearing either in person or by telephone; or

- 5) When a party's attorney has a conflict in his schedule because he has an appointment with a client, or a court appearance or comparable matter scheduled for the same time as the hearing before the Referee and the attorney cannot reasonably appear at the hearing before the Referee and cannot reasonably find a substitute counsel, such appointment or court appearance is an emergency matter for which the attorney had less than 24 hours notice.

Example: A continuance is requested because a party's attorney has a conflict in his schedule because he has an appointment with a client or a court appearance scheduled for the same time as the hearing before the Referee. The court appearance is for a routine matter, such as an alleged motion or a status call, which could be handled by another member of the attorney's firm. Such ~~unless the appointment or court appearance is an emergency matter for which the attorney had less than 24 hours notice~~ such a conflict will not constitute good cause for a continuance. If absent emergency circumstances, it will be incumbent on the attorney to obtain substitute counsel to appear in his place before the hearing.

- 6) The employee's representative or witness is unable to appear either in person or by telephone due to a plant shutdown for a vacation, inventory or holiday which is provided for by a collective bargaining agreement or the employer's custom and the Referee is provided with documentation of such contract agreement or custom; or

- 7) A party is unable to attend the hearing either in person or by telephone due to a conflicting legal or regulatory requirement, including but not limited to jury duty.

b) In the event that a continuance is granted, the hearing will be set for the earliest available time and date, but, absent exceptional reasons, no more than seven days after the scheduled hearing. The Agency will inform the parties of the date, time and place of the continued hearing either orally or in writing.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2720.245 Conduct Of Hearing

- a) The Referee will control the hearing which will be confined to the factual and/or legal issues on appeal and ensure that the parties have a full opportunity to present all evidence and testimony regarding such issue(s).

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- b) Following examination the testimony of each witness by the Referee, that witness may be questioned and cross-examined by any other party and further questioned by the Referee, if necessary, to ensure clarity and completeness of the issues and of the record. The Referee shall ensure that the parties have full opportunity to present all evidence and testimony regarding the factual and/or legal issues on appeal.

- c) If any person becomes abusive or disruptive so that a full and fair hearing cannot be conducted, the Referee shall exclude the person from the hearing. The Referee will then continue the hearing without the participation of the excluded individual, and will render a decision based on the evidence in the record.

- d) The Director shall prohibit any individual from representing a party in a proceeding under this Part if the Director finds that such individual is or has been guilty of violating the standards in Rule 8.4 1-102 of the Illinois Rules of Code of Professional Conduct Responsibility, Article 8 of the Rules of the Illinois Supreme Court (111CS-Rev-Stat--1993-chr--1104--par--110-et--seq) or has intentionally disregarded the provisions of the Act or rules promulgated thereunder, or the written instructions of the Board of Review. Such prohibition shall be in writing and shall be applicable for a period not to exceed 120 days from the date such decision is mailed to the party. Such individual may appeal the Director's decision under the Administrative Review Act (111CS-Rev-Stat--1993-chr--1104--par--110-et--seq) or may appeal the decision to the Illinois Appellate Court (111CS-Rev-Stat--1993-chr--1104--par--110-et--seq).

- e) Unless agreed to by all parties in writing or on the record, no bifurcated (split) hearings shall be held.

Example: The appellant appears at the scheduled hearing, and his testimony is taken by the Referee; the appellee fails to appear but later requests and is granted a reopened hearing at the reopened hearing only the appellee appears. This situation shall not constitute a bifurcated hearing.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2720.255 Failure Of Party To Appear At The Scheduled Hearing

- a) Failure of the appellant to appear at the hearing at the time the hearing is scheduled, or failure of the appellee to appear at the hearing at the time the hearing is scheduled, or failure of the appellant to appear by telephone, or the failure of the appellant to appear by telephone, or the failure of the appellant to inform the Referee of the telephone number at which he can be reached at that time or to answer the telephone at that number will also result in dismissal of the appeal.

- b) Failure of the appellee to appear at the hearing at the time the hearing is scheduled, or, if a hearing is scheduled to be conducted by telephone of the appellee has been allowed or required to appear by telephone, failure of the appellee to inform the Referee of the telephone number at which he can be reached at that time or to answer the telephone, failure of the appellee to inform the Referee of the

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

telephone number at which he can be reached at that time, or to answer the telephone at that number, will cause the Referee to issue a decision based on the record made by the Adjudicator and the evidence introduced by the appellant at the hearing and the evidence in the record.

- c) Failure of any witness to appear at the hearing at the time that the hearing is scheduled, or, if the hearing is scheduled to be conducted by telephone or the witness has been allowed or required to appear by telephone, a party's failure to inform the Referee of the telephone number at which the Referee can, at the time of the hearing, reach the witness or the witnesses, or failure to answer the telephone at the number given to the Referee by the party seeking the witness, or failure to answer the Referee's questions, or failure to call witnesses and witnesses who were introduced in person, were available by telephone and to make his decision based on the available testimony and evidence in the record.

- d) If any party or witness shall refuse to consent to the tape recording of the hearing by the Referee or refuse to take the oath or affirmation when requested by the Referee, the participation of that individual in the hearing shall be terminated, and the hearing shall be conducted as if the individual failed to appear.

e) If a party fails to appear and an adverse decision is rendered, that party may, by letter or on the record, request rehearing of the appeal from the Referee or from his supervisor, provided that party has not made an appeal to the Board of Review pursuant to Section 2720. In the event that the party fails to appear and the Referee has been notified, the rehearing request will be denied. The request will be assigned to the same Referee to whom the appeal was originally assigned. The following procedure shall be used:

- 1) Requests to rehear the appeal must be filed no later than 10 days after the hearing or the date the party first knew or should have known of the scheduled hearing, whichever is later, but in no event beyond the time for filing a timely appeal to the Board of Review pursuant to Section 2720.300(a); e.g., the appellant does not attend a hearing because he claims not to have received notice of the hearing, he does, however, receive a decision that his appeal has been dismissed for failing to appear at the hearing. He then files a request for rehearing within the 10-day period after of this decision because as a result of the dismissal of his appeal, he should have known that he missed the scheduled hearing. Such requests must state the facts showing that failure to appear at the scheduled hearing was either due to not having received timely notice of the hearing or for an "exceptional reason" as set forth in Section 2720.240 and that either a request for continuance under that Section was improperly denied or the failure to make the request for a continuance was caused by reasons outside of the control of the party and by circumstances that could not have been foreseen and avoided.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 2) Based on the statements in the request and the facts of the record, the Referee or his supervisor shall:

- a) If the request meets the requirements of subsection (e)(1), schedule a hearing shall be scheduled with notice to all parties (see Section 2720.205) and a copy of the request to any opposing parties; or
- b) If the request meets the requirements of subsection (e)(1), the request shall be denied, and issue a written decision setting forth the reasons for the denial shall be issued. An adverse decision shall be issued if an adverse decision is issued on the denial of a timely request for rehearing shall also constitute a timely appeal on the merits of the matter.
- 3) At the start of the hearing any party may present its objections to the request. The Referee will consider all objections and responses and supporting evidence, if any, and will grant or deny the request for a rehearing at that time based on the preponderance of the evidence. If the Referee denies the request, he will terminate the proceedings. If the Referee grants the request, he will proceed to conduct a hearing on the merits.
- 4) If there is an objection to the request, the Referee's ruling will be on a decision in writing. The Referee will state the reasons for the request and reasons for the ruling which decision to grant or deny the request. All denials of requests for rehearing shall be in writing.
- 5) If the party disagrees with the denial of the request for rehearing, he must appeal such denial within the time and in the manner set forth in Section 2720.300.
- 6) A decision to grant a rehearing is not immediately subject to appeal but may be raised by the aggrieved party if an appeal is filed to the decision on the merits of the matter.
Example: A decision is made to grant a rehearing to an appellant. After the rehearing, a decision is made in the favor of the appellant. The aggrieved appellant may appeal this decision to the Board of Review. The appellant may request that the Board of Review rule on the propriety of the granting of the rehearing before it goes to the merits of the matter.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2720.265 The Record

A complete record will be kept of all proceedings before the Referee. The record will consist of a digital recording and/or a tape recording of testimony of the parties and their witnesses, and the digital and/or paper copy of all

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

documents introduced into evidence, all notices, written motions or requests, decisions, findings of fact, and reports of investigations by the Adjudicator, Referee or Board of Review relating to the factual and/or legal issues on appeal.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3) Section Number: Adopted Action:
2732.205 New Section
2732.215 New Section
2732.220 Amended Section
2732.305 Amended Section
- 4) Statutory Authority: 820 ILCS 405/205, 206, 211.5, 212, 212.1, 215, 217, 218, 225, 1700 and 1701.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed Section 2732.205 sets forth the Director's interpretation of the various provisions of Section 212.1 of the Act; the proposed Section 2732.215 sets forth the Director's interpretation of the Unemployment Insurance Act as exempting individuals who are "participants" under the federal National and Community Service Act of 1990; the proposed amendment to Section 2732.220 clarifies that, under Section 217 of the Act, a consumer of a service provided by a provider is not a "participant" for purposes of the proposed amendment to Section 2732.305 provides that there will be a rebuttable presumption that "leased employees" are the employees of the leasing company unless certain conditions are met.
- 6) Will the proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Not applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any person may comment regarding this proposed amendment within 45 days after this notice has been published in the Illinois Register. The comment shall be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312/793-4240
- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

A) Types of small business, small municipalities and not for profit corporations affected: The proposed rules affect all businesses equally.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendment begins on the next page.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56. LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2732
EMPLOYMENT

SUBPART A: COVERAGE

Section
2732.125 Requirement That "Four Or More" Employees of A Nonprofit Organization Perform Services Within This State

SUBPART B: SERVICES IN EMPLOYMENT

Section
2732.200 Section 212 of the Act - Services in Employment
2732.203 The Effect of Regulation By A Governmental Entity On "Direction Or Control" Under Section 212 Of The Act
2732.205 Owner-Operators Of Motorized Vehicles
2732.210 Mandatory Jury Service
2732.215 Exemption From The Definition Of Employment For Participants In The Amateurs Program
2732.220 Exemption From The Definition Of Employment For Direct Sellers of Consumer Goods
2732.225 Exemption From The Definition Of Employment For Freelance Editorial Employees
2732.227 Exemption For The Delivery Or Distribution Of Newspaper Or Shopping News To The Ultimate Consumer
2732.230 Domestic Service
2732.235 Effect Of Section 218 Of The Act On The Employment Status Of Certain Relatives

SUBPART C: DETERMINING THE EMPLOYER

Section
2732.305 Employee Leasing Companies

AUTHORITY: Implementing and authorized by Sections 205, 206, 211.5, 212, 215, 217, 218, 225, 1700, and 1701 of the Uniform Insurance Code, Act [820 ILCS 405/205, 206, 211.5, 212, 215, 217, 218, 225, 1700, and 1701].

SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989; amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at 15 Ill. Reg. 11473, effective July 30, 1991; amended at 16 Ill. Reg. 8173, effective May 18, 1992; amended at 16 Ill. Reg. 12159, effective July 20, 1992; amended at 17 Ill. Reg. 8809, effective June 2, 1993; amended at 17 Ill. Reg. 17947, effective October 4, 1993; amended at 18 Ill. Reg. 16355, effective October 24, 1994; amended at

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

21 Ill. Reg. _____, effective _____.

SUPPORT B: SERVICES IN EMPLOYMENT

Section 2732.205 Owner-Operators of Motorized Vehicles

- a) Section 212.1 of the Act (820 ILCS 405/212.1) applies only to services performed on or after August 8, 1995.
- b) When a person or persons are exempt under Section 212.1 from the Act's definition of "employment," tests with the person or entity to which the individual is contracted to perform the services.
- c) Section 212.1 applies only to services an individual performs as an operator of a truck, truck-tractor or tractor.
- Example: Smith performs services for Company A, which is licensed by the Illinois Commerce Commission as a motor carrier of personal property. These services consist entirely of loading and unloading trucks at Company A's loading dock. Section 212.1 does not exempt Smith's services for Company A from the Act's definition of "employment."
- d) For purposes of applying Section 212.1:
- 1) "Truck" has the meaning ascribed to it in Section 1-211 of the Illinois Vehicle Code (625 ILCS 5/1-211).
 - 2) "Tractor" has the meaning ascribed to it in Section 1-212 of the Illinois Vehicle Code (625 ILCS 5/1-212).
 - 3) "Tractor" has the meaning ascribed to "road tractor" in Section 1-178 of the Illinois Vehicle Code (625 ILCS 5/1-178).
 - 4) "Family member" means any parent, sibling, child, sibling of a parent, or any of the foregoing relations by marriage.
 - 5) A person or entity owns, controls or operates another entity when:
 - A) by virtue of its ownership interest in that other entity, it has the power to direct the management of the other entity; or
 - B) by virtue of its ownership interest in that other entity combined with the ownership interest of one or more others, it actually directs, by itself or in conjunction with others, the management of the other entity; or
 - C) it has responsibility for, or oversees, the day-to-day operation of the other entity.
 - 6) Ownership, control, or operation may be through any one or more natural persons or proxies, powers of attorney, nominees, co-ownerships, partnerships, associations, corporations, trusts, joint stock companies or other entities or devices or any combination thereof.
 - 7) "Person or entity" means a sole proprietorship, partnership, association, corporation or any other legal entity.
 - 8) A requirement imposed by a governmental regulatory or licensing agency with respect to services an individual performs as an

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

operator of a truck, truck-tractor or tractor is not a requirement imposed on the individual by any person or entity to which the individual is contracted to perform the services.

- e) Section 212.1 (a)(2) of the Act
- Section 212.1 (a)(1) is not satisfied unless:
- 1) The services are performed by an individual who is registered or licensed as a motor carrier of real or personal property by the Illinois Commerce Commission, the Interstate Commerce Commission, the United States Department of Transportation, or any successor agencies; or
 - 2)
 - A) The individual performing the services is doing so under an owner-operator lease contract and
 - B) The person or entity with which the individual is contracted to perform the services is registered or licensed as a motor carrier of real or personal property by the Illinois Commerce Commission, the Interstate Commerce Commission, the United States Department of Transportation or any successor agencies.
- Example: Jones, who owns her own pickup truck, works for ABC Hardware Store. As part of the regular course of Jones' work for ABC, she uses her pickup truck to make deliveries to customers. Neither Jones nor ABC is registered or licensed as a motor carrier by the Illinois Commerce Commission. Section 212.1 does not exempt the delivery services Jones performs for ABC from the Act's definition of "employment."
- f) Section 212.1(a)(2) of the Act
- Section 212.1(a)(2) is not satisfied unless both subsections (f)(1) and (2) of this Section are satisfied.
- 1) The individual performing the services must be able, with reasonable notice if required by the contract, to terminate the lease contract with the person or entity to which the individual is contracted to perform the services, prior to the termination date specified in the contract, without incurring any legal or equitable liability to such person or entity other than liability for damage to the property being carried or damage or injury caused as a result of the operation of the truck, truck-tractor or tractor.
 - 2) Example: The lease contract between Smith and Motor Carrier A extends from January 1, 1997, through June 30, 1997, and provides that Smith's terminating the contract prior to June 30, 1997, under any circumstances, will result in Smith's being liable for liquidated damages determined according to a formula specified in the contract. Section 212.1 does not exempt the services Smith performs pursuant to the contract from the Act's definition of "employment" because Smith does not have the right to terminate the contract as contemplated

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

by Section 212.1(a)(2) of the Act.

- B) Example: The lease contract between Jones and Motor Carrier C extends from January 1, 1997, through June 30, 1997, but provides that Jones may terminate the lease contract prior to June 30, 1997, without incurring any liability to C other than liability for damage to the property being carried or damage or injury caused as a result of the operation of Jones' truck, on the condition that Jones provides C with reasonable notice of termination. If Jones terminates the contract without providing C with reasonable notice, Jones will be liable for liquidated damages determined in accordance with the terms of the contract. Jones' failure to provide such notice is not considered a failure to satisfy the requirements of subsections (e) through (k) of this Section, the services Jones performs for C are exempt from the Act's definition of "employment".
- 2) Following the termination of the lease contract, the individual must be able to perform the same or similar services for others, on whatever basis and whenever he or she chooses, without incurring any legal or evitable liability to the person or entity to which the individual was contracted to perform the services under the terminated lease contract.

Example: The lease between Davis and Motor Carrier B provides that, upon termination of the contract, Jones must be able to perform the same or similar services for others as an operator of a truck, truck-tractor or tractor for any other motor carrier located within a 90-mile radius of B's main office. The provision is enforceable by injunction. Section 212.1 does not exempt the services Davis performs pursuant to the contract from the Act's definition of "employment."

9) Section 212.1(a)(3) of the Act

Section 212.1(a)(3) is not satisfied unless the person or entity to which the individual is contracted to perform the services incurs no requirements on the individual to perform the services, or be available to perform the services, at a specific time specified in the contract, or for a specified number of hours. The person or entity is not considered as having imposed such a requirement where the person or entity informs the individual performing the services of a pickup or delivery time specified by the shipper or receiver of the property to be transported.

- 1) Example: Adams telephones Motor Carrier A at 8:00 A.M. each day Adams is available to provide truck driving services to see whether A has any work for Adams. After being informed that there is work, Adams must make himself available to perform the work by 9:00 A.M. If Adams fails to make himself available by 9:00 A.M., Motor Carrier A will enter a demerit on his personnel

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

records. If Adams accumulates five demerits during a year, Motor Carrier A will terminate its relationship with Adams. Section 212.1 does not exempt the services Adams performs for Motor Carrier A from the Act's definition of "employment."

- 2) Example: Motor Carrier B telephones Smith in each of five consecutive weeks to offer Smith work providing truck driving services for B. Each time, Smith indicates he is not interested. B does not contact Smith after that. By itself, B's decision not to attempt to do further business with Smith, an individual who has consistently refused B's offers of work, is not evidence that B has imposed any requirements on Smith to perform services, or be available to perform services, at a specific time or times, specified in the contract, or for a specified number of hours.
- 3) Example: ABC Produce Company has contracted with XYZ Trucking Company to deliver produce to various wholesalers every Tuesday, Thursday and Saturday. ABC has instructed XYZ the produce must be delivered to each wholesaler no later than 4 A.M. Jones is to perform the services for XYZ as the operator of a truck, transporting produce from ABC. XYZ informs Jones of the 4 A.M. deadline imposed by ABC. It is understood that Jones' failure to meet the deadline may jeopardize his ability to drive for XYZ again. The deadline was specified by the shipper. The fact that a carrier may be reluctant to transport future business with a carrier may be a factor in the carrier's decision to accept or decline the contract, but it does not constitute a requirement imposed by itself. Indirectly, the carrier has failed to satisfy Section 212.1. Under these facts, absent any other evidence that indicates XYZ has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Jones performs for XYZ are exempt from the Act's definition of "employment".
- 4) Example: White operates a truck for the ABC Produce Company. ABC instructs White that produce picked up from ABC's terminal must be delivered to XYZ Wholesaler by 4 A.M. on the delivery date. It is understood that White's failure to meet the deadline may jeopardize his ability to drive for ABC again. The fact that ABC may be reluctant to transact future business with a driver who failed to meet the deadline may be a factor in the driver's decision to accept or decline the contract, but it does not constitute a requirement imposed by itself. Indirectly, the carrier has failed to satisfy Section 212.1. Under these facts, absent any other evidence that indicates ABC has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services White performs for ABC are exempt from the Act's definition of "employment".
- 5) Example: Under a contract between Reynolds and ABC Construction Company, Reynolds is to deliver asphalt to a specified ABC construction site at 8 A.M. on the designated day. Timely delivery of asphalt will require Reynolds to pick up the asphalt from the location specified by ABC no later than 7 A.M. It is

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Understand that Reynolds' failure to pick up and deliver the cash on time may jeopardize his ability to drive for ABC again. The fact that ABC may be reluctant to transact future business with Reynolds may also impact the ability of ABC to deliver times ABC as the receiver has specified does not, by these facts, indicate ABC has failed to satisfy Section 212.1. Under these facts, absent any other evidence that indicates ABC has failed to satisfy the requirements of subsections c) through k) of Section 212.1, the evidence does not indicate that ABC has failed from the Act's definition of "employment".

h) Section 212.1(a)(4) of the Act

Section 212.1(a)(4) is not satisfied unless:
the individual performing the services leases or holds title to
the truck, truck-tractor or tractor; and

Example: Smith operates a truck for ABC Trucking Company. ABC holds title to the truck. Section 213.1 does not exempt the services Smith performs for ABC from the Act's definition of "employment."

2) the individual or entity from which the trust

A) the person or entity to which the individual operating the truck, truck-tractor or tractor is contracted to perform the services; or

owned, controlled or operated by or in common with, to any extent, directly, or indirectly, the person or entity to which the individual operating the truck, truck-tractor or tractor-trailer is contracted to perform the services or a family member of a shareholder, owner or partner of the person or entity with which the individual is contracted to perform the services.

Example: Adams operates a truck for XYZ Trucking Company, a corporation in which Jones is the majority shareholder. While Adams holds title to the truck, ABC Trucking Company, of which Jones is the sole proprietor, holds a lien on Adams' truck. Section 212.1 does not exempt the services Adams performs for XYZ from the Act's definition of "employment," since ABC is owned or controlled in common with XYZ.

1.) Example: Madison operates a truck for XYZ Trucking, a corporation in which Jefferson is a five-percent shareholder. Madison holds title to the truck, but

ABC Finance Company, which is managed by the brother of Jefferson's father-in-law, holds a lien on the truck. Section 212.1 does not exempt the services Madison performs for XYZ from the Act's definition of "employment," since the individual who operates ABC is a family member of a shareholder of XYZ.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Example: ABC Trucking Company, a corporation, is being audited by the Department of Employment Security to determine, among other items, whether services that Jones provided for ABC were "employment" for purposes of the Act. ABC demonstrates that Jones held title to the truck. ABC demonstrates in service to ABC while he was performing the services for ABC. ABC also provides a written statement, signed by an owner or officer of ABC, stating that the owner or officer has made no determination as to whether Jones is an employee or the owner's or officer's knowledge, while Jones was performing the services for ABC, ABC did not have any interest in Jones' truck; no individual or entity that might have held an interest in Jones' truck was owned, controlled or operated by or in common with, to any extent, directly or indirectly, ABC, and no individual or entity that might have held an interest in Jones' truck was owned, controlled or operated by or in common with, to any extent, directly or indirectly, a family member of a shareholder of ABC. The auditor is not aware of any evidence that contradicts the information provided by ABC. The auditor is satisfied that Section 212.1(a)(4) is satisfied with respect to the services Jones performed for ABC.

1) Section 212.1(a)(5) of the Act

Section 212.1(a)(5) is not satisfied unless the individual operating the truck, truck-tractor or tractor pays all the costs of licensing and operating the truck, truck-tractor or tractor. Section 212.1(a)(5) is not satisfied if the costs of licensing or operating the truck, truck-tractor or tractor are separately reimbursed by an individual or entity other than the individual operating the truck, truck-tractor or tractor. Costs not directly associated with the operation or licensing of the truck, including but not limited to telephone charges, expenses related to the loading or unloading of cargo and workers' compensation premiums with respect to the operator of a truck, truck-tractor or tractor do not constitute costs of licensing or operating the truck, truck-tractor or tractor.

A) Example: Smith operates a truck for ABC Trucking Company. At the end of each week in which Smith has performed services for ABC, the company furnishes Smith a check, accompanied by a statement itemizing the licensing and operational expenses for which Smith is being reimbursed, including wear and tear on Smith's truck. Section 212.1

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

does not exempt the services Smith performs for ABC from the Act's definition of "employment."

- B) Example: Adams operates a truck for XYZ Trucking Company, which furnishes Adams with a company debit card Adams may use to purchase fuel. XYZ covers all air-cored charges against the debit card and does not charge them back to Adams. Section 212.1(a)(6) of the Act's definition of "employment" exempts for XYZ from the Act's definition of "employment."

- C) Example: Jones operates a truck for XYZ Trucking Company. At the end of each week in which Jones has performed services for XYZ, the company furnishes Jones with a check. Jones deposits a portion of the payment received from XYZ in a checking account she maintains to cover the costs of operating the truck. Under these facts, absent any other evidence that indicates that XYZ has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Jones performs for XYZ are exempt from the Act's definition of "employment."

- D) Example: Reynolds operates a truck for ABC Trucking Company. At the end of each week, which Reynolds has performed services for ABC, the company furnishes Reynolds with a check, based on a flat per mile fee. There is no indication that any portion of the fee is intended as a separate reimbursement to cover any costs directly associated with operating or licensing Reynolds' truck. Under these facts, absent any other evidence that indicates that ABC has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Reynolds performs for ABC are exempt from the Act's definition of "employment."

- E) Example: Smith operates a truck for ABC Construction Company. Smith operates a truck for ABC Construction Company for a period of one week in which Smith has performed services for ABC, the company furnishes Smith with a check based on an hourly fee for his services. There is no indication that any portion of the check is intended as a separate reimbursement to cover any costs directly associated with operating or licensing Smith's truck. Under these facts, absent any evidence that indicates ABC has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Smith performs for ABC are exempt from the Act's definition of "employment."

- F) Example: ABC Trucking Company pays for a customized paint job for the truck of any driver who drives over 1,000,000 miles. It advertises an action as soon as the driver owns the truck, which is the cost of the paint job. The cost may be considered an operating cost, the principal purpose of the payments in this case is not to reimburse the driver for operating costs but to reward his or her safe driving

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

record. Under these facts, absent any other evidence that indicates that ABC has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services the driver performs for ABC are exempt from the Act's definition of "employment."

2) This Section of employment law, where Federal or State law or regulation requires that the costs of licensing or operating the truck, truck-tractor or tractor be paid by the person or entity to which the individual operating the truck, truck-tractor or tractor is contracted to perform the services.

1) Section 212.1(a)(6) of the Act

Section 212.1(a)(6) is not satisfied unless:

- A) the individual performing the services offers or advertises his or her services to the public; and
- B) the individual performing the services maintains his or her own business identity.

Comment: Subsection (B)(ii) can be demonstrated by the individual furnishing his or her name on the truck, truck-tractor or tractor, or otherwise.

Example: Smith has his name and address painted on the doors of his truck. While operating his truck in the performance of services for XYZ Trucking, Smith also has affixed to his truck an identification device indicating he is hauling for XYZ. There is nothing on the truck to indicate Smith does not offer his services to the public. Under these facts, absent any other evidence that indicates XYZ has failed to satisfy the elements of subsections (e) through (k) of this Section, the services Smith performs for XYZ are exempt from the Act's definition of "employment."

- k) Subsection (a)(6) of the Act is not satisfied if, as a condition for retaining an individual's services as an operator of a truck, truck-tractor or tractor, the person or entity to which the individual is to purchase the truck, truck-tractor or tractor, the individual is to purchase the truck, truck-tractor or tractor.

1) Example: Smith operates a truck for ABC Trucking Company. The truck was purchased from XYZ Company, from which ABC requires anyone who wishes to drive for ABC to purchase his or her truck. Section 212.1 does not exempt the services Smith performs for ABC from the Act's definition of "employment."

- 2) Example: Jones operates a truck for XYZ Trucking Company. Jones purchased the truck from Smith. Previously, when Jones had advised Jones that Smith had offered to sell the truck, Jones had indicated that, based on what he knew about the truck, he would have bought it if he had been in the market for a truck. However, at no time did Adams indicate that Jones' ability to perform services for XYZ was dependent upon Jones' purchasing a truck from Smith. Under these facts, absent

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

any other evidence that indicates that XYZ has failed to satisfy the requirements of subsections (e) through (k) of this Section, the services Jones performs for XYZ are exempt from the Act's definition of "employment".

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 2732.215 Exemption From The Definition Of Employment For Participants In The AmeriCorps Program

Activities performed by an individual as a "participant", as that term is used in the National and Community Service Act of 1990, as amended (42 USC Sec. 12511), shall be deemed to be exempt from the definition of "employment" under the Act (820 ILCS 405), and payments made to the individual for such activities shall not constitute wages subject to the payment of contributions.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 2732.220 Exemption From The Definition Of Employment For Direct Sellers Of Consumer Goods

a) For the purpose of applying Section 217(b) of the Act [820 ILCS 405.217(b)] (44th Rev. Stat. 1969, ch. 48, par. 3-7ff), the following terms have the meanings set forth below.

1) "Consumer product" means both any tangible and intangible (e.g., a substitution for cable television service) personal property which is sold or distributed to the general public for such personal, family or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed). The term "consumer product" does not include any product used in the manufacture of another product to be distributed in commerce or any product used only incidentally in providing a service (e.g., insecticide used in a pest control service, materials used in an appliance repair business). Where the sale of the consumer product includes the sale of a service (such as installation), such installation shall be considered incidental to the sale of the consumer product, and, therefore, not effect the exemption if the value of the installation is less than 10 per cent of the cost of the total purchase price (including installation).

2) "Buy-sell basis" if the salesperson is entitled to retain or all or any difference between the price at which the salesperson purchases the product and the price at which he sells the product to the consumer as part or all of the remuneration for the services.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 3) A transaction is on a "retain-commission basis" if the salesperson is entitled to retain part or all of a purchase deposit paid by the consumer in connection with the transaction as part or all of the salesperson's remuneration for services.
- 4) "Permanent retail establishment" is any retail business operating in a structure or facility that remains stationary for a substantial period of time to which consumers go to purchase consumer goods. Examples of these establishments are grocery stores, hardware stores, clothing stores, hotels, restaurants, drug stores and newsstands.

Example: A vendor who sells consumer products in a parking lot or other property which is near to or serving a sports arena or other amusement area pursuant to an agreement which grants to the vendor or to another entity for which the vendor is acting the right to sell consumer products on such property sells consumer products in a permanent retail establishment, regardless of whether the sale is made within a permanent structure.

- b) The "written contract" requirement is not met unless the contract specifically states that the individual will not be treated as an employee for Federal tax purposes. It will not be sufficient that the contract merely state that the individual will not be treated as an employee.

- c) Services provided prior to the later of the effective date or the date of execution of the written contract shall not be exempt under Section 217(b) of the Act.

- d) The "substantially all the remuneration" requirement of Section 217(b) is satisfied if at least 90 per cent of the total remuneration, calculated as the sum of the remuneration by the individual for the calendar year from that employing unit for performing services directly related to sales or other output rather than to the number of hours worked. Advance or draw shall not include monies which, pursuant to a binding written contract, must be repaid by the individual directly or indirectly (including by a debit against the individual's account with the employing unit).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: DETERMINING THE EMPLOYER

Section 2732.305 Employee Leasing Companies

- a) The words and terms used in this Section shall have the following meanings:
 - 1) "Client" shall have the same meaning as that set forth for this term in Section 2736.5 of this Part;
 - 2) "Employee leasing company" (also referred to as an employee

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

service company) shall have the same meaning as that set forth for this term in Section 2765.5 of this Part;

Example: An on-going business lays off its workers and then they are immediately hired by the employee leasing company. This transaction exemplifies supplying workers to a client.

- 3) "Worker" means an individual provided by an employee leasing company to perform services in employment for its client.

- b) Notwithstanding any contractual provisions that designate who is the employer, an employee service company is the employer of a worker only if it performs the following functions:

1) Retains the sole authority to hire, promote, discipline and terminate the worker. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

A) Who recruits, interviews and tests the prospective worker and subsequently makes the hiring decision?

B) Who formulates rules and regulations applicable to worker conduct, regardless of where the worker is placed?

C) Who does the worker notify of any absences and requests for leave?

D) Who resolves any worker dissatisfaction concerning conditions of employment?

- 2) Assigns or approves the worker to perform services for the client. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

A) Does the client independently negotiate with the worker regarding conditions of employment?

B) If the client becomes dissatisfied with the performance of the worker and requests reassignment of the worker, who makes the decision whether to discharge the worker or reassign him to another client?

C) Who provides on-site supervision of the worker, prepares and signs work orders for workers at the job, and sets standards as to performance standards or time requirements for the completion of the client work assigned?

- 3) Decides the total compensation paid to the worker, including rate of pay and benefits. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

A) Who determines the hourly rate or salary of the worker and also decides whether to provide pay increases or decreases?

B) Who provides the medical and hospitalization insurance, life insurance and pension benefits?

C) When a package of the benefits listed in subsection (2)(1) above is provided, are they comparable regardless of the client?

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- D) Who not only issues a check for the worker's hourly wages but also pays sick, vacation and bonus compensation? Moreover, who reimburses the worker for his expenses?

- 4) Incurs liability for the State and Federal employment taxes and assures that workers' compensation is provided to the worker.

- 5) Negotiates with clients for such matters as time, place, type of work, working conditions and quality and price of services. An indication of whether the employee leasing company performs this function can be found in the answer to the following question: Prior to entering into the lease relationship, do the client and employee leasing company negotiate as to such matters as the number of shifts per work day, mandatory overtime, number of breaks and length of lunches?

- c) Notwithstanding any of the aforementioned functions, nothing herein shall limit the right of the employee leasing company to confer with its client concerning any of the aforementioned functions.

- d) If the employee leasing company does not perform all of the functions in subsection (b), then the client is the employer of the worker. There is a rebuttable presumption that the employee service company performs all of the functions in subsection (b) above unless:

- 1) The client has the right to hire, promote, discipline and terminate the client, perform or has the right to perform one or more of the functions in subsection (b) above; or

- 2) A principal or officer of the client states to the Director or an employee of the Director that the client performs or has the right to perform one or more of the functions in subsection (b) above; or

- 3) The client has previously contracted with another employee service company and circumstances suggest that the client's decision to terminate its relationship with the other employee service company was principally motivated by a desire to avoid unemployment insurance contributions.

- e) Notwithstanding any other provision in this Section, the client shall always be deemed to be the employer of a corporation as the term is used in its Article of Incorporation or By-laws to the extent that the individual is providing services in the capacity of an officer. However, nothing in this subsection is intended to preclude an officer of a corporation, a sole proprietor of a business or a partner in a partnership from separately performing and being compensated for services performed as an employee of the leasing company.

Example: Mr. Smith is the vice-president for operations of Company A which leases its workers from Leasing Company X. To the extent that Mr. Smith performs the functions of a vice-president of Company A, his wages for such services must be reported by Company A. However, Mr. Smith may provide services to Leasing Company X other than those of a vice-president. To the extent that these services are provided to the Leasing Company, any wages for these services are to be reported by the

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Leasing Company.

- f) Nothing in this Section is intended to preclude the employee leasing company from performing the functions in subsection (b) through on-site supervisors whether or not such supervisors were previously employed by the client in the same or similar capacities. However, the employee leasing company must show that such individuals are its employees while performing the function of on-site supervisors in that, subject to subsection (c), it performs the functions in subsection (b) of this Section with respect to such individuals.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Application

- 2) Code Citation: 56 Ill. Adm. Code 2712

- 3) Section Number: Adopted Action:
2712.1 New Section

- 4) Statutory Authority: 820 ILCS 405/802, 1700, 1701 and 1900

- 5) A Complete Description of the Subjects and Issues Involved: The proposed Section 2712.1 would allow parties, effective January 1, 1998, to file protests or appeals by facsimile transmission, and the date of such transmission would have the same effect as the date of a U.S. Postal Service postmark.

- 6) Will the Proposed Amendment Replace an Emergency Amendment Currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this Rule contain Incorporations by Reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Not applicable

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any person may comment regarding this proposed amendment within 45 days after this notice has been published in the Illinois Register. The request shall be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312/793-4240

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small business, small municipalities and not for profit corporations affected: The proposed rules affect all businesses equally.

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2712
GENERAL APPLICATION

SUBPART A: FACSIMILE MACHINES

Section
2712.1 Use Of Facsimile Machines

SUBPART B: DIGESTS AND REPORTERS

Section
2712.100 IDES Board Of Review Reporter
2712.105 Digest Of Adjudication Precedents

SUBPART C: LEGAL SERVICES PROGRAM

Section
2712.201 Definitions
2712.202 Accidents To Hold the Department Of Employment Security And Its Employees Harmless
2712.203 Eligibility Requirements For Legal Services For Individuals
2712.205 Eligibility Requirements For Legal Services For Small Employers
2712.207 Attorney Eligibility For Reimbursement
2712.210 Maximum Fees Allowed

AUTHORITY: Implementing and authorized by Sections 802, 1700, 1701 and 1900 of the Unemployment Insurance Act (820 ILCS 405/802, 1700, 1701, 1900).

SOURCE: Adopted at 10 Ill. Reg. 16679, effective September 23, 1986; amended at 13 Ill. Reg. 795, effective January 4, 1989; amended at 17 Ill. Reg. 3194, effective March 2, 1993; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: FACSIMILE MACHINES

Section 2712.1 Use Of Facsimile Machines

As of January 1, 1998, and notwithstanding any other provisions of this Chapter to the contrary, any document which is a response to or protest of a statement or notice that has been issued by the Department or the Director to which there are protest or appeal rights may be filed by facsimile transmission sent to the designated destination address. The date imprinted on the document by the Department's telefax machine shall have the same effect as the U.S. Postal

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Service's postmark. The individual or entity filling a document by telefax transmission bears the risk that the transmission will not be successful. The date imprinted on the transmission confirmation document by the sender's telefax machine may be presented as evidence of successful transmission and filing of the document.

(Source: Added at 21 Ill. Reg. _____, effective January 1, 1998)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: Proposed Action:
350.480 Amendment
- 4) Statutory Authority: Implementing and authorized by the Safety Inspections and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].
- 5) A Complete Description of the Subjects and Issues Involved: Section 4 of the Health and Safety Act states that all federal occupational safety and health standards promulgated, modified, or revoked by the US Secretary of Labor shall be made rules of the Director. The previous rulemaking adopted all final federal health and safety rules and amendments effective November 4, 1995.

This rulemaking amends the Department rules by adopting the federal Occupational Safety and Health Administration (OSHA) rules published in 29 CFR 1910, 1915, and 1926 that are effective as of July 1, 1996, but which subsequently amended as of January 21, 1997. The changes are described below.

- 1) FR61:9227-9255 Miscellaneous Minor and Technical Amendments
03/07/1996

SUMMARY: OSHA has initiated a comprehensive line-by-line review of its standards published in the Code of Federal Regulations (CFR). In this document, OSHA is making corrections, deleting redundant provisions, and clarifying and reorganizing various other provisions throughout OSHA's standards in the CFR. This document does not change the substantive requirements of the standards, and carries no financial impact.

EFFECTIVE DATE: May 6, 1996.

- 2) FR61:19547-19548 Personal Protective Equipment for General Industry 05/02/1996

SUMMARY: The final rule on personal protective equipment for general industry was published by OSHA on April 6, 1994 (59 FR 16334). In that rule, the introductory phrase "the employer shall ensure" was removed from various proposed requirements for employees to wear different types of protective equipment (final rule 1910.133, 1910.135, and 1910.136). The general requirement for the employer to select and have the employees wear appropriate PPE, including any PPE described in these specific provisions, was retained in 1910.132. The employer's obligation to assure compliance with the individual requirements for particular types of PPE was intended

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

which regulate the design, construction, and use of scaffolds. The final rule updates the existing scaffold standards and sets performance-oriented criteria, where possible, to protect employees from scaffold-related hazards such as falls, falling objects, structural instability, electrocution and overloading. In particular, the final rule has been updated to address types of scaffolds such as catenary scaffolds, step scaffolds, and ladders. The proposed rule would amend the standards covered by OSHA's existing scaffold standards. In addition, the final rule allows employers greater flexibility in the use of fall protection systems to protect employees working on scaffolds and extends fall protection to erectors and dismantlers of scaffolds to the extent feasible. Another area that the final rule strengthens is training for workers using scaffolds; the conditions under which such employees must be retained are also specified in the final rule. Finally, the language of the rule has been simplified, duplicative and outdated provisions have been eliminated, overlapping requirements have been consolidated, and the performance orientation of the rule has been enhanced to allow employers as much flexibility in compliance as is consistent with employee protection. Federal OSHA estimates that 47 of the 79 deaths occurring annually due to scaffold accidents can be prevented by the new requirements. Annual costs associated with the standard include employee training (\$11-\$1300), fall protection (\$106) and scaffold inspection (\$356).

EFFECTIVE DATES: The standard will become effective on November 29, 1996, except for 1926.453(a)(2), which will not become effective until an OMB control number is received and displayed for this "collection of information" in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). OSHA will publish a document in the Federal Register announcing the effective date of 1926.453(a)(2). Employers are required to comply with the provisions of paragraphs (e)(9) and (g)(2) of 1926.451, which address safe access and fall protection, respectively, for employees erecting and dismantling supported scaffolds starting on September 2, 1997.

10) F661:56796-56846 Occupational Exposure to 1,3-Butadiene 11/04/1996

SUMMARY: This final standard amends the OSHA occupational standard that regulates employee exposure to 1,3-Butadiene (BD). OSHA's new limits reduce the Permissible Exposure Limit for BD to an 8-hour time weighted average (TWA) of 1 part per million (ppm) and a short term exposure limit (STEL) of 5 ppm for 15 minutes. An "action level" of 0.5 ppm as an 8-hour TWA is included in the standard as a mechanism for exempting an employer from some administrative burdens, such as employee exposure monitoring and medical surveillance, in instances where the employer can demonstrate that the employee's exposures are consistently at very low levels. In order to reduce exposures and protect employees, OSHA's BD standard includes requirements such as engineering controls, work practices and personal

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

protective equipment, measurement of employee exposures, training, medical surveillance, hazard communication, regulated areas, emergency procedures and recordkeeping. These requirements will affect employees in the chemical processing industry, and are not expected to affect typical end users.

EFFECTIVE DATES: The effective date of these amendments is February 3, 1997. Start-up date for engineering controls is November 4, 1998, and for the exposure goal program November 4, 1999. Affected parties do not have to comply with the information collection requirements in Sec. 1910.1051(d) exposure monitoring, Sec. 1910.1051(f) methods of compliance, Sec. 1910.1051(g) exposure goal program, Sec. 1910.1051(h) respiratory protection, Sec. 1910.1051(i) emergency situations, Sec. 1910.1051(k) medical screening and surveillance, Sec. 1910.1051(l) communication of BD hazards to employees, and Sec. 1910.1051(m) recordkeeping, until the Department of Labor publishes a Federal Register notice informing the public that OMB has approved these information requirements under the Paperwork Reduction Act of 1995.

11) F661:5931-5932 Safety Standards for Scaffolds Used in the Construction Industry 11/29/1996

SUMMARY: This document contains miscellaneous minor corrections to the final rule published August 30, 1996, and stays the implementation of the requirements in 1910.451(b)(2)(i) that roof bracket scaffolds be at least 12 inches wide. There is no financial impact.

12) F662:1494-1619 - Occupational Exposure to Methylene Chloride 01/10/1997

SUMMARY: OSHA hereby amends its existing regulations for employee exposure to methylene chloride (MC). OSHA is reducing the existing 8-hour time-weighted average (TWA) exposure from 500 parts per million (ppm) to 25 ppm. Also, OSHA is deleting the existing ceiling limit concentration of 1,000 ppm and is reducing the existing short-term exposure limit from 2,000 ppm to 1,000 ppm. The new 8-hour TWA exposure limit is 25 ppm, and the new 15-minute short-term exposure limit is 100 ppm. The new "action level" of 12.5 ppm measured as an 8-hour TWA. The final rule also contains provisions for exposure control, personal protective equipment, employee exposure monitoring, training, medical surveillance, hazard communication, regulated areas, and recordkeeping. Together, these provisions will substantially reduce a significant risk of cancer and methemoglobin poisoning to the extent feasible. This standard applies to all employment in general industry, shipyards and construction. In many facilities, MC is used only by a small number of employees. The most common uses of MC are in paint stripping, metal cleaning, and furniture stripping. Costs are estimated at \$1,107.38 per employee covered by the rule, and \$427.21 per exposed employee. The most

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

costly provisions are those requiring engineering controls, protective clothing and eye protection, and medical surveillance for MC-exposed workers. These three provisions together account for approximately 75 percent of the standard's compliance costs.

COMPLIANCE DATES: This final rule becomes effective April 10, 1997. Start-up dates for specific provisions are set in 1910.1052(n) of the regulatory text. However, affected parties may voluntarily comply with the standard's requirements prior to the effective date. The compliance dates for the regulated areas, 1910.1052(d) exposure monitoring, 1910.1052(e) regulated areas, 1910.1052(j) medical surveillance, 1910.1052(k) employee information and training, and 1910.1052(m) recordkeeping, until the Department of Labor publishes in the Federal Register the control numbers assigned by the Office of Management and Budget (OMB).

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? Yes. This rulemaking has been incorporated by reference in OMB Circular 1910.1915 and 1976 effective July 1, 1996, and amended as described in item #5. It does not include any later amendments or editions.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The Health and Safety Act requires the Department to adopt updated Occupational Safety and Health Administration Standards as often as necessary to remain current with the federal regulations. Adoption of these standards ensures that public sector workers are provided with the same level of health and safety protection that is afforded to private sector workers within the State.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted to the following:

At Juskenas
Safety Inspection and Education Division
Illinois Department of Labor
160 North LaSalle, Fl. 13
Chicago, IL 60601
312/793-1967

Public hearings are scheduled as follows:

Wednesday, April 23, 1997, 1:00 PM
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62701

Thursday, April 24, 1997, 1:00 PM
Illinois Department of Labor
State of Illinois Building
160 N. LaSalle St., Suite C-1300
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses or municipalities affected: Due to the effect of preemption of Department rules by the federal Occupational Safety and Health Administration, private sector businesses are not affected. All public sector work sites will be affected.

Costs associated with compliance are for the correction of work site health and safety hazards, which will have a direct positive impact within the public sector work force.

Savings will be realized due to fewer workplace injuries and occupational diseases, lower direct and indirect costs, and lower worker's compensation costs. Lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Variance procedures within the regulations allow public sector employers to petition for variance from standards when compliance cannot be achieved because of factors beyond their control.

- B) Reporting, bookkeeping, or other procedures required for compliance: There are no new paperwork requirements imposed by this rulemaking.

- C) Types of professional skills necessary for compliance: General administrative skills are sufficient for compliance with the proposed amendments.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 55: LABOR AND EMPLOYMENT
CHAPTER 1: DEPARTMENT OF LABOR

SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350

HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	Purpose and Scope
350.10	Definitions
350.20	Posting of Notice
350.30	Availability of Rules and Standards
350.40	Inspection Authority
350.50	Advance Notice of Inspection
350.60	Conduct of Inspections
350.70	Conferences
350.80	Representatives of Employers and Employees
350.90	Objections During Inspection
350.100	Trade Secrets or Confidential Information
350.110	Consultation with Employees
350.120	Complaints by Employees
350.130	Imminent Danger
350.140	Citations
350.150	Posting of Citations
350.160	Appeal of Citation
350.170	Appeal of Abatement Period
350.180	Petition for Variance from Standards
350.190	Hearings
350.200	Advisory Inspections

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	Emergency Notification
350.210	Recordable Injuries and Illnesses
350.220	Log of Injuries and Illnesses
350.230	Supplementary Record of Injuries and Illnesses
350.240	Annual Summary
350.250	Retention of Records
350.260	Access to Records

SUBPART C: FEDERAL STANDARDS

Section	Adoption of Federal Standards
350.280	

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by the Safety, Inspection and Education Act (820 ILCS 210) and the Health and Safety Act (820 ILCS 215).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985; for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART C: FEDERAL STANDARDS

Section 350.280 Adoption of Federal Standards

- a) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective July 1, 1996, and amended at FR61:41738; FR61:43454; FR61:46025; FR61:56796; FR61:59831; and FR62:1194 on 3-23-17-1995-and-amended-at 66-PR-360437-66-PR-392547-66-PR-404577-66-PR-479227-66-PR-59411-and-66-PR-529556. These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments or editions.
- b) The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions, which provide equivalent protection will be adopted and publication in the Illinois Register. The standards of State and publication in the Illinois Register are required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).
- c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (i) of 29 CFR Part 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be the effective date of this amendment, as published in the Illinois Register. The compliance date for paragraph (i)(2) of the adopted standard shall be 30 days after the effective date, the date for paragraph (i)(3) shall be 60 days after the effective date, and the date for paragraph (i)(4) shall be 90 days after the effective date.
- d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

(iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Health and Safety

2) Code Citation: 56 Ill. Adm. Code 205

3) Section Numbers: Proposed Action:
205-200 Amendment
205-210 Amendment
205-220 Amendment
205-230 Amendment
205-240 Repealed
205-Table A Repealed

4) Statutory Authority: Implementing and authorized by the Toxic Substances Disclosure to Employees Act [820 ILCS 255].

5) A Complete Description of the Subjects and Issues Involved: The Toxic Substances Disclosure to Employees Act was amended effective December 31, 1996. The amendments relieve manufacturers, suppliers, and importers of the requirement to send Material Safety Data Sheets (MSDSs) to the Department except upon the Director's request. The amendments to the Act also substitute the current definition of a "toxic substance" with the definition of "hazardous substance" in the current definition of "toxic substance" with the definition of "hazardous substance" in the current definition of "toxic substance" with the definition of "hazardous materials." This is thus for the definition of the Toxic Substances List and the regulations for its' promulgation.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The Material Safety Data Sheet is a critical source of health and safety data for workers. The information in the work place must be made available to the workers. The use of data products via electronic media make use of the MSDSs from the file obsolete. The purpose of this rulemaking is to lessen the paperwork burden for manufacturers, suppliers, and importers by eliminating the requirement to submit all MSDSs for their materials, except at the request of the Director.

The adoption of the federal definition of hazardous materials streamlines compliance for employers that must comply with both State and Federal hazard communication regulations. The definition adopted by the amendments to the Act is more current, comprehensive, and easier to use than the definition it is replacing.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted to the following:

Al Juskenas, Acting Manager
Safety Inspection and Education Division
Illinois Department of Labor
160 North LaSalle, Fl. 13
Chicago, IL 60601
312/793-1967

Public hearings are scheduled as follows:

Wednesday, April 23, 1997, 1:00 PM
Illinois Department of Labor
41 West Old State Capitol Plaza, Room 300
Springfield, IL 62701

Thursday, April 24, 1997, 1:00 PM
Illinois Department of Labor
State of Illinois Building
160 N. LaSalle St., Suite C-1300
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses or municipalities affected: All employers will be affected. Manufacturers, suppliers and importers will benefit from the elimination of the paperwork requirement to automatically submit MSDS. All employers will benefit by having a single definition determining which materials are considered hazardous in their work sites.

B) Reverting, bookkeeping, or other procedures required for compliance: There are no new paperwork requirements imposed by this rulemaking.

C) Types of professional skills necessary for compliance: General administrative skills are sufficient for compliance with the proposed amendments.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated at the time the Regulatory Agenda was last published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER 1: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 205

TOXIC SUBSTANCES DISCLOSURE TO EMPLOYEES

SUBPART A: GENERAL PROVISIONS

Section
205.20

General Purpose

SUBPART B: REQUIREMENTS

Section

205.200 Definitions
205.210 Employee Rights
205.220 Submission of Information to the Department of Labor
205.230 Labeling
205.240 Posting of Signs
205.250 Training
205.260 Enforcement Hearing Procedures
205.270 Toxic Substances List Additions/Deletions (Repealed)
205.280 Material Safety Data Sheets (MSDS)
205.290 Trade Secret Procedures
205.300 Fire Safety
205.310 Exemptions

APPENDIX A Hazard Warnings (Non-mandatory Guidance)

APPENDIX B Trade Secrets

TABLE A Toxic Substances List (Repealed)

AUTHORITY: Implementing and authorized by the Toxic Substances Disclosure to Employees Act [820 ILCS 255].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 3402, effective March 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 7818, effective May 23, 1984; emergency amendments at 8 Ill. Reg. 15628, effective August 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7751, effective October 29, 1984; amended at 11 Ill. Reg. 10247, effective May 18, 1987; amended at 11 Ill. Reg. 14717, effective August 24, 1987; amended at 15 Ill. Reg. 16084, effective October 28, 1991; amended at 21 Ill. Reg. _____, effective _____.

SUBPART B: REQUIREMENTS

Section 205.200 Definitions

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- (1984)).
- h) Except as provided in subsections (i) and (j), the employer shall ensure that each container of toxic substances in the workplace is labeled, tagged, or marked with the following information:
- 1) Chemical name, identity, and substance(s) contained therein.
 - 2) The employer may provide the information required with respect to an entire mixture, considered as a whole instead of with respect to each toxic substance contained in such mixture, provided that: toxicity testing information exists on the entire mixture or adequate information exists to form a valid judgment of the hazardous properties of the entire mixture, and provision of information on the entire mixture will be as effective in protecting employee health as the provision of information on each toxic substance contained in the mixture.
 - 3) Appropriate hazard warnings (see Appendix A for nonmandatory guidelines) and appropriate hazard warnings for carcinogens shown on the label, as defined in 29 CFR 1910.1201(c)(1)(ii).
 - 4) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to fixed containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by subsection (h) of this Section.
 - 5) The written materials shall be readily accessible to the employees in their work area throughout each work shift.
 - 6) The employer is not required to label portable containers (ten gallons or less in volume) which are transferred from one employee to another, and which are intended only for use by the employee who performs the transfer during his/her shift.
 - 7) Employers or employees shall not remove or deface existing labels on incoming containers of toxic substances unless the container is immediately relabeled with the required information.
 - 8) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift.
 - 9) Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English.
 - 10) The employer need not affix new labels to comply with this Section if existing labels already convey the required information.
 - 11) Construction employers shall ensure that toxic substances, which they handle, store, receive, or bring to the construction workplace, are

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

labeled.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 205.270 Toxic Substance List Additions/Deletions (Repealed)

- a) The Director shall publish in the Illinois Register the notices of a hearing to receive petitions and testimony regarding the adding of or deleting substances from the toxic substances list. The notice shall be at least 30 days in advance of the hearing described in Section (e) of this Act. Rev. Stat. 1985, ch. 48, par. 1484, as amended by P.A. 84-1389, effective September 4, 1986.
- b) The Director shall publish in the Illinois Register a list of substances described by the hearing described in Section (a) of this Act. Rev. Stat. 1985, ch. 48, par. 1483, which is published shall be at least 30 days in advance of the hearing described in subsection (e) of this Act. Rev. Stat. 1985, ch. 48, par. 1484, as amended by P.A. 84-1389, effective September 4, 1986.
- c) The Director shall annually hold a hearing to consider additions to and deletions from the toxic substances list. (Ill. Rev. Stat. 1985, ch. 48, par. 1484, as amended by P.A. 84-1389, effective September 4, 1986).
- d) An employer, employee or employee representative may petition the Director to add, delete, and modify and substance or footnote to the list of toxic substances. (Ill. Rev. Stat. 1985, ch. 48, par. 1484, as amended by P.A. 84-1389, effective September 4, 1986).
- e) The Director shall take all testimony and evidence concerning the addition or deletion of substances from the toxic substances list. (Ill. Rev. Stat. 1985, ch. 48, par. 1484, as amended by P.A. 84-1389, effective September 4, 1986).
- f) The Director shall take all testimony and evidence into consideration if the Director determines, based on personal knowledge and staff recommendations relevant to current scientific literature that a substance poses a significant risk to human health when used in the workplace. The Director shall add the substance to the toxic substances list. Otherwise, the substance shall not be added. If the Director determines, based on personal knowledge and staff recommendations relevant to current scientific literature that a substance poses a significant risk to human health when used in the workplace, the Director shall delete the substance from the list. If the Director's representative hears all testimony and evidence, a written transcript of the hearing shall be provided to the Director. (Ill. Rev. Stat. 1985, ch. 48, par. 1484, as amended by P.A. 84-1389, effective September 4, 1986).
- g) Whenever the Director adds substances or deletes substances from the list, the Director shall, within 30 days of making such additions or deletions, publish in the Illinois Register, pursuant to Section 5.02

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

Name	Note**1	Source**2
Butyl-mercaptan		13
n-sec-Butylphenol		14
Butylamine-ethyl-tamers		14
2-(p-tert-Butylphenoxy-isopropyl)-2-chloroethyl-sulfite		3b
p-tert-Butyltoluene		14
Butyric-acid		2
beta-Butyrolactone		3
Cadmium		13
Cadmium-compounds		3b
Cadmium-oxide		14
Calcium-carbide		2
Calcium-cyanaside		14
Calcium-dodecylbenzenesulfonate		15
Calcium-hydroxide		14
Calcium-hypoclorite		14
Calcium-oxide		14
Calcium-sulfate		35
Calcium-sulfate		14
Camphor		14
Caprolactam		14
Captafol		14
Captan		14
Carbaryl (Sevin-R)		14
Carbofuran		14
alpha-2-Carbonethoxy-1-methylvinyl-----dimethyl phosphate--(tevinphos)		2--
Carbon-black		14
Carbon-dioxide		14
Carbon-disulfide		14
Carbon-monoxide		14
Carbon-tetrachloride		14
Carbon-tetrachloride-(tetrachloromethane)		14
Carbonyl-fluoride		14
Carbonyl-sulfide		14
Carbonyl-sulfone		5
Catechol		14
Celutose-(paper-fiber)		14
Cesium-hydroxide		14
Chlorambutol		14
Chlorane		14
Chloroform		5
Chloroformic-acid		3a
Chlorofenphos		14
Chlorinated-benzenes		14
Chlorinated-camphene		14
Chlorinated-cresols		14
Chlorinated-diisopropyl-oxide		14
Chlorinated-naphthalenes		3b

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

Name	Note**1	Source**2
Chlorinated-paraffins-(Cl ₁₂)-684)		3a
Chlorine		14
Chlorine-dioxide		14
Chlorine-trifluoride		14
Chloroacetaldehyde		14
Chloroacetone		4
alpha-Chloroacetophenone-(phenacyl-chloride)		14
Chloroacetyl-chloride		14
Chloroalkyl-ethers		3b
Chlorobenzene-(monochlorobenzene)		14
Chlorobenzene		5
Chlorobenzilate		14
o-Chlorobenzylidene-malonitrile-(OGBM)		14
Chlorobromomethane		14
Chlorodifluoromethane		4
Chlorodiphenyl-tentorine)		14
2-Chloro-1,2-epoxypropane		14
2-Chloro-1,2-epoxypropane		14
1-(2-Chloroethyl)-3-ethyl-5-nitrosourea-(SENU)		3b
Chloroethylene		14
Chloroform-(trichloromethane)		14
Chloromethyl-methyl-ether-(technical-grade)		14
3-Chloro-2-methyl-propene		3a
1-Chloro-1-nitropropane		14
Chloropentafluoromethane		14
2-Chlorophenol		2
4-Chloro-o-phenylenediamine		3b
Chloroquin		14
Chloroprene-(2-chloro-1,3-butadiene)		14
o-Chlorostyrene		14
Chlorosulfonic-acid		14
Chlorosulfone		14
o-Chlorotoluene		14
2-Chloro-6-ethylidene-hydrochloride		5
2-Chloro-6-ethylidene-hydrochloride		14
Chloropyridine		14
Chromate-acid		14
Chromate-chromous-and-chromate-salts		14
Chromate-ore-processing-(chromate)		4
Chromatium		14
Chromatium-compounds		3a
Chromyl-chloride		3a
Chromyl-chloride		3a
Chromyl-chloride		3a
Citrus-Red-number-2		3b
Citronitril		14
Clopidol		14
Coal-dust		14

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 4r Exempt when in bonded form or when antimony compounds cannot be released due to existing grinding, heating, etc.
- 5r Exempt:
- a: Exterior and interior coatings and laminating resins containing encapsulated asbestos fibers with such products.
- b: Solid process asphalt roof coatings.
- c: Nonfriction encapsulating products as floor tiles.
- 6r Exempt from the asbestos hazard risk to asphalt fume under normal conditions are included mechanical scrub of hardened asphalt surfaces is exempt.
- 7r Exempt when used in foods and feeds as a preservative.
- 8r Exempt except when present as free crystal/powder.
- 9r Products that could give rise to coal tar pitch volatiles during normal use are included.
- 10r Exempt when part of a cured epoxy or rubber.
- 11r Refers to solutions greater than or equal to 95 percent Alcohol contained in alcoholic liquor as defined in Section 2.05 of "An Act relating to alcoholic liquors" in any concentration is exempt.
- 12r Exempt when used as a fuel.
- 13r Exempt except when inhalable dust and/or particulates are present or are generated through use of the product.
- 14r Refers to the water-soluble salts only except when mixed in food or animal feed.
- 15r Exempt when in slurry suspension or where inhalable dust or particles are not present or cannot be formed.
- 16r Exempt except where nixta can be generated in the ordinary use of the product; e.g., cutting oil.
- 17r Occupational sources of ozone include but are not limited to:
- a: Buring-oxidizing processes of--find-organic--chemicals--production (primarily ozonate-acid)
- b: Buring-operations-involving-high-intensity-gv-light-plasma-torch operations--glass-blowing--hot-metal-operations--photoengraving operations--use-of-mercury-vapor-lamps--direct-copying-machines projecting equipment.
- c: Buring-operations-involving-high-voltage--electrical--equipment (spectrographic--and--fluorometric--apparatus--electroplating operations--high-volt--linear--accelerators--and--electrostatic painting).
- d: Buring-operations-involving-ozonizing-process-in-treatment-of-water.
- e: Industrial water and sewage during air purification.
- f: Buring-drilling-cutting--and--welding-operations-utilizing-laser radiation.
- f: Buring bleaching operations (textile--pulp--paper--waxes--starches sugar--telfon--and--synthetic--fibers)--refining-of-mineral-oils and their derivatives--processing-or-perfumes--vanillin--and--camphor--aging and-drying-operations (food--wines--liquors--varieties--and--printing inks).
- g: Buring food-preserved-operations-for-mold-and-bacteria-control.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- h: Buring-welding-operations-using-inert-gas-shielded--are-welding devices--bare-wire-are-welding.
- i: Buring manufacturing production of ozone:
- 10r Includes--benzanthracenes--benzopyrenes--benzofluoranthene--chrysene benzanthracenes--and-indenopyrenes.
- 19r Refers to smoke and fume products given off during soldering.
- 20r Exempt except when inhalable particulates are present or can be generated.
- 21r Sliver compounds existing in stable emissions or suspensions as in applicable to cotton fiber for use in industries or operation covered by Federal Occupational Safety and Health Administration regulations--29 C.F.R. 1910.1043.
- 23r Fine oxide is exempt except when present as dust or when generated as a fume. Fine Silicate is exempt except when present as dust.
- 24r Refers to solutions greater than or equal to 4 per cent.
- 25r Refers to solutions greater than or equal to 3 per cent.
- 26r Refers to any mixture containing 0.1 per cent or greater of this substance.
- 27r Refers to any mixture containing 0.02 percent or greater inorganic arsenic.
- 28r Applies to underground-hematite mines only.
- 29r Strong acid process.
- 30r Not than those listed elsewhere.
- 31r Not than those listed elsewhere.
- 32r Refined mineral oil as approved by HSB and PPA are exempt.
- 33r Exempt butyl benzyl phthalate and (2-ethyl ethyl) phthalate esters.
- 34r Exempt below 2.5 percent when in motor oil.
- 35r Appears on the AGSII-95V list as a nuisance dust only.
- 36r Phthalonitrile esters and pigments are exempt except when inhalable as dust or mist.

SOURCES

- Sh--following list contains sources from which the "Exempt Substance" was derived.
- 1r Occupational Safety and Health Administration Tables B-1B-2 and B-3--Code of Federal Regulations--29 CFR 1910.1000-1910.1009--US Government Printing Office--Washington, DC 20540.
- 2r Occupational Safety and Health Administration Tables B-1B-2 and B-3--Code of Federal Regulations--29 CFR 1910.1000-1910.1009--US Government Printing Office--Washington, DC 20540.
- 3a-- US Department of Health and Human Services--Public Health Service National Toxicology Program--Fourth Annual Report on Carcinogens--Summary 1999--NTP 95-0024 (44th Rev. Sept. 1999)--Chv. par. 1403.
- 3b-- IARC--Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man--Geneva--World Health Organization International Agency for Research on Cancer--1993-1997--(Multivolume work) 49 Sheridan Street Albany--New York--December 1999.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

4--- Wholesale List Values for Chemical Substances in the Work-Environment
Adopted by A-6-B-11-H---American Conference of Governmental Industrial
Hygienists-6508-Elmway Avenue-Bldg-B-5-Cincinnati-OH-45211-1990-91
edition:

5--- Section 3(f)(iv) of the Toxic Substances Disposal Act-4111
Rev--Stat-1989-Ch-48, par-1483, as amended by P.A. 84-1328, effective
May-18-1987:

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail
and Rabbit Hunting

2) Code Citation: 17 Ill. Adm. Code 530

<u>Section Numbers:</u>	<u>Proposed Action:</u>
530.70	Amendments
530.80	Amendments
530.90	Amendments
530.100	Amendments
530.105	Amendments
530.110	Amendments
530.115	Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open additional sites to hunting, change hunting hours and season dates at various sites and add a provision that non-toxic shot must be used on posted waterfowl rest areas at Ten Mile Creek State Fish and Wildlife Area.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701-1787
 217/782-1809

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

A) Types of small businesses, small municipalities and not for profit corporations affect: None

B) Re-zoning, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17. CONSERVATION
CHAPTER 1. DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b. FISH AND WILDLIFE

PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,
AND RABBIT HUNTING

Section

- 530.10 Statewide General Regulations
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30 Statewide Hungarian Partridge Regulations (Repealed)
530.40 Statewide Bobwhite Quail Regulations (Repealed)
530.50 Statewide Rabbit Regulations (Repealed)
530.60 Statewide Crow Regulations (Repealed)
530.70 Controlled Pheasant Hunting Sites Permit Requirements
530.80 Controlled Pheasant Hunting Sites Permit Requirements
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements
530.100 Illinois Youth Pheasant Hunting Regulations
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code, 1970 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29).

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 31, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 14 Ill. Reg. 17946, effective October 27, 1989; amended at 14 Ill. Reg. 1775, effective June 1, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990,

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

hunting permit.

- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10-14 acres of available land. The number of permits for each species is limited to the biological studies of the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information (except Sangchris Lake and Edward R. Madigan State Fish and Wildlife Area ~~Marquette-State Park~~) write to:

Illinois Department of Natural Resources
Pheasant and Duck Division
P.O. Box 19457
Springfield, Illinois 62794-9457

- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Ironquios County Conservation Area, Moraine View State Recreation Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Lee County Conservation Area, Mackinaw River State Fish and Wildlife Area and Horseshoe Lake State Park (Madison County).

- e) Permits for the Youth Hunt at Sangchris Lake State Park and Edward R. Madigan State Fish and Wildlife Area ~~Marquette-State Park~~ will be issued from the Springfield Permit Office. Registration procedures and hunter quotas will be announced by public news release. Applicants must be between the ages of 10-15 inclusive. Permits available after the drawing will be allocated on a first come or first call-first served basis from the site office.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 530.100 Illinois Youth Pheasant Hunting Regulations

- a) The Illinois Youth Pheasant Hunt will be November 9, 1997 ~~10-1996~~, at Edward R. Madigan State Fish and Wildlife Area where the Youth Pheasant Hunt will be November 8, 1997 ~~10-1996~~ and Mackinaw River State Fish and Wildlife Area where the Youth Pheasant Hunt will be the first Saturday of the statewide upland game season.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 9:00 a.m. and 8:30 a.m. at

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Edward R. Madigan State Fish and Wildlife Area and between 11:00 a.m. and 12 noon at Sangchris Lake).

- c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit issued by the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Ironquios County Conservation Area, Moraine View State Recreation Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Lee County Conservation Area, Mackinaw River State Fish and Wildlife Area and Horseshoe Lake State Park (Madison County).
- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder must be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearms Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.
- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange or at least 400 square inches. Hunters must wear blaze orange clothing on the back and front.
- f) Any person who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead or bismuth or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of No. 3 steel or No. 5 bismuth shot or smaller may be used.
- h) All hunters must be between the ages of 10-15 inclusive.
- i) The pheasants of either sex at Eldon Hazlet State Park, Ironquios County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Moraine View State Park and Horseshoe Lake State Park (Madison County).
- 2) Two cock pheasants only at the Lee County Conservation Area and Chain O'Lakes State Park.
- 3) Statewide Limits: Mackinaw River State Fish and Wildlife Area, Sangchris Lake State Park and Edward R. Madigan State Fish and Wildlife Area.
- l) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake, Edward R. Madigan State Fish and Wildlife Area and Mackinaw River State Fish and Wildlife Area). State and Wildlife Department tags must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
 - 4) On sites which are indicated by (2), only nontoxic shot approved by the State Fish and Wildlife Survey and marked with a 3 steel or No. 5 bullet shall be used. No smaller may be used or possessed.
 - 5) Site specific rules or exceptions are noted in parentheses after each site.
- b) Site Specific Regulations
- 1) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (closed during firearm deer season) (1)

Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)

Carlyle Lake Wildlife Management Area (subuplandment area closed 7 days prior to and during the southern zone waterfowl season)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Edison Hazel State Park (north of Allen Branch and west of Peppenhurst Branch only) (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Ft. Massac State Park (1)

Giant City State Park (1)

Green River State Wildlife Area (closed until the end of the site's controlled pheasant season, except quail and rabbit only can be hunted on Mondays and Tuesdays during the site's controlled pheasant season) (1)

Hamilton County Conservation Area (8:00 a.m. - 4:00 p.m.) (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area, except Controlled Hunting Area) (1)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Boza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

Kidd Lake State Natural Area

Kincaid Lake Fish and Wildlife Area (1)

Maclean Fish and Wildlife Area (8:00 a.m. - 4:00 p.m.) opens second day of statewide season; closed during firearm deer season; pheasant and quail close the Sunday after Thanksgiving) (1)

Marseilles Wildlife (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Oakford Conservation Area

Panther Creek Conservation Area (1)

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the lee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C) (1)

Red Hills State Park (8:00 a.m. - 4:00 p.m.) (1)

Rend Lake Projects Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Sanganois State Fish and Wildlife Area

Shawnee National Forest, Oakwood Bottoms (2)

Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Fulton-Knox County zone goose season) (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest

Witowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville Eagle Creek State Park (4:00 p.m. daily closing)

Lake Shelbyville - Eagle Creek Wildlife Management Area (4:00 p.m. daily closing)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

be tagged by DDC before leaving sites; hunting hours are 8:00 a.m. - 4:00 p.m.; hunting dates are noted in parentheses:

Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25) (1)

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season)

Kankakee River State Park (no quail hunting)

Washington County Conservation Area (1)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 apply in this Section, except that falconers are required to wear a cap and outer garment of solid and vivid blaze orange only during the upland game season on sites where upland game hunting is in progress.
- b) Statewide falconry regulations (17 Ill. Adm. Code 1590) apply at the following sites (exceptions are in parentheses):

Big Bend State Fish and Wildlife Area

Edward R. Madigan State Fish and Wildlife Area (hunting by falconry methods permitted from October 1 through March 31 or until 10 hen pheasants are harvested; falconers must sign in at the site check station before hunting and sign out immediately after hunting and report their harvest)

Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season; hunting by falconry methods allowed from day after controlled

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Pheasant season through the close of statewide quail falconry season)

Mississippi River Pools 16, 17 and 18

Rainpitter State Park--(hunting-by-falconry-methods-permitted from-October-3-through-March-31-or-until-10-hen-pheasants-are harvested--falconers-must-sign-in-at-the-site-check-station before-hunting-and-sign-out-immediately-after-hunting-and-report their-harvest)

Sand Ridge State Forest (statewide regulations except that hunting is permitted on Mondays and Tuesdays only during the Controlled Daily Drawing Pheasant Program season; it is unlawful to hunt by falconry methods in the vicinity of pheasant areas as pheasants are being released; falconry methods must obtain a free permit from site office before hunting; report harvest by April 15; falconry to report harvest by April 15 will result in loss of hunting privileges the following year)

Snake Den Hollow Fish and Wildlife Area (hunting permitted from the day after the close of the Fulton-Knox County zone goose season until the close of the statewide falconry season)

- c) Cook and hen pheasant, Hungarian partridge, bobwhite quail, and rabbit may be taken at the following sites in accordance with 17 Ill. Adm. Code 1590: falconers must obtain a free permit from site office before hunting and return permit and report harvest by February 15; failure to return or report harvest will result in loss of hunting privileges the following year (additional site regulations are in parentheses):

Chain O'Lakes State Park (hunting permitted 8:00 a.m. to 4:00 p.m. from the Monday after the non-fee season through January 31 except closed Christmas Day; obtain permit from site office Monday through Friday 8:00 a.m. to 4:00 p.m.)

Eagle Creek State Park (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Eagle Creek Wildlife Management Area (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Moraine View State Park (hunting permitted October 1 through two days before the pheasant season opens)

Ten Mile Creek Fish and Wildlife Area (hunting permitted from the end of the firearms rabbit season through January 31)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) Section Numbers: Proposed Action: Amendments
740.20
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add new sites to hunting: limit hunting to woodcocks on Peabody River, King State Fish and Wildlife Area; and add language allowing only non-toxic shot for woodcock hunting in waterfowl rest areas at Ten Mile Creek Fish and Wildlife Area.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 740
CROW, WOODCOCK, SNIPPE, RAIL AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

NOTE: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; parentory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 13253, effective August 28, 1987, for a maximum of 180 days; emergency amendments at 11 Ill. Reg. 13254, effective July 21, 1988; amended at 12 Ill. Reg. 12766, effective July 15, 1988; amended at 13 Ill. Reg. 1868, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective July 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- Woodcock, snipe and rail hunting: statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)
Big Bend State Fish and Wildlife Area
Big River State Forest

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Cache River State Natural Area
 Campbell Pond Wildlife Management Area
 Carlyle Lake Lands and Waters - Corps of Engineers managed lands
 Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)
 Crawford County Conservation Area
Cypress Pond State Natural Area
 Dog Island Wildlife Management Area
 Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)
 Ferne Clyffe State Park
 Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)
 Ft. Nassac State Park
 Giant City State Park
 Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)
 Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)
 I-24 Wildlife Management Area
 Tropicana County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required)
 Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code §30.110)
 Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code §30.105 and §30.110 which pertain to Kankakee River State Park)
 Kaskaskia River State Fish and Wildlife Area (Doza Creek

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Waterfowl Management Area closed 7 days prior to waterfowl season)
 Kidd Lake State Natural Area
 Kinkaid Lake Fish and Wildlife Area
 Marseilles Wildlife Area (woodcock only; Monday - Thursday only through October)
 Mermet Lake Fish and Wildlife Area
 Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)
 Mississippi River Pools 16, 17, and 18
 Mississippi River Pools 21, 22 and 24
 Oakford Conservation Area
 Panther Creek Conservation Area
 Peabody River King State Fish and Wildlife Area (West submit sub-unit only, woodcock only)
 Pyramid State Park
 Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)
 Randolph County Conservation Area (woodcock only)
 Ray Norbit State Fish and Wildlife Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C)
 Red Hills State Park (statewide hours until rabbit season, then 8:00 a.m. - 4:00 p.m.)
 Rend Lake Project Lands and Waters
 Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)
 Saline County Fish and Wildlife Area
 Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sanganois State Fish and Wildlife Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be obtained while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

East Conant Field (open only to hunters possessing a valid upland permit for the area)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Hidden Springs State Forest (4:00 p.m. daily closing)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

closed during firearm deer season)

Lake Shelbyville - Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Little Vermillion River State Natural Area (woodcock only; closes October 31)

Middlefork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Sato Field (open only to hunters possessing a valid quality upland permit for the area)

Site M (hunters are restricted to the Open Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid quality unit upland permit)

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (waters of Peppermorist Branch and Allen Branch north of the buoys only)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites. The blinds need not be completed)

Carlyle Lake Wildlife Management Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Chauncey Marsh (permit required)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites the blinds need not be completed)

Dog Island Wildlife Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only--muzzleloading-shotguns-only)

Horseshoe Lake State Park (Madison County)

Horseshoe Lake Conservation Area - Public Hunting Area (Alexander County)

Yaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (site permit described in subsection 740.20(c) applies)

Trake Shelbyville - Corps of Engineers Managed Lands and Waters

Lake Siniissippi Conservation Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Bay Norbut Fish and Wildlife Area

Bend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required: sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sangano's State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Snakeden Snake--Ben Hollow Fish and Wildlife Area/Victoria
pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Mon Milo Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Woodford Fish and Wildlife Area

5) Cross Hunting

1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Mississippi River Pools 16, 17, 18

panther Creek Conservation Area

Rav Norbut Fish and Wildlife Area

Sangamon State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; non-toxic shot only)

2) Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Rio Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 - statewide closing)

3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Duck, Goose and Coot Hunting

2) Code Citation: 17 Ill. Adm. Code 590

3) Section Numbers:

Proposed Action:

Amendments

590.10

Amendments

590.15

Amendments

590.20

Amendments

590.50

Amendments

590.60

Amendments

590.80

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ICS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

5) A. Complete Description of the Subjects and Issues Involved: This Part is being amended to change season dates, open additional sites to hunting and change site-specific regulations.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price

Department of Natural Resources

524 S. Second Street

Springfield, IL 62701-1787

217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Type of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

Section

- 590.10 Statewide Regulations
590.15 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites Only - Duck, Goose and Coot Hunting
590.20 Illinois Youth Waterfowl Hunting Permit Requirements
590.25 Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26 Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60 Various Other Department Sites - Duck, Goose and Coot Hunting
590.70 Ohio River
590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.21, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13249, effective September 28, 1983; amended at 8 Ill. Reg. 13586, effective October 16, 1983, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 14023, effective September 26, 1984; amended at 9 Ill. Reg. 14024, effective September 5, 1985; emergency amendment at 9 Ill. Reg. 15042, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

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PART 590

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590.60 Various Other Department Sites - Duck, Goose and Coot Hunting
590.70 Ohio River
590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

Section 590.10 Statewide Regulations

a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and under such conditions as may be prescribed by the Department. (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) collectively referred to in this Part as Federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.

b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.

c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this rule are more

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

restrictive.

- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.

e) Emergency Closure

The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive or extreme weather conditions or when a serious outbreak of infection disease occurs, such as avian cholera or duck virus enteritis.

f) Closed Areas

Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.

g) Commercial Migratory Waterfowl Hunting Area Permits

- 1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.
- 2) The holder of a permit shall be responsible for the harvest of his goose. It is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time.

- 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.

h) Waterfowl Hunting Zones:

- 1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
- 2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry Counties, and those portions of LaSalle and Will counties north of the State south of the northern zone boundary to the Modoc Ferry Road on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

- 4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
- 5) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.
- 6) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Coates, DeKalb, Hamilton, Johnson, Orion, Fulton, and Coates, portion of Baker Township located on the north by Illinois Route 9 and on the east by U.S. Route 24.
- 7) Rend Lake Canada Goose Quota Zone - All lands and waters in Franklin and Jefferson Counties.
- 8) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will.
- 9) Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.
- 1) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting season, or waterfowl season.
- 3) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time.
- k) The following apply in the Northern and Central Illinois Quota Zones:
- 1) It is unlawful to hunt Canada geese during seasons starting after September 15 30 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State and the same State waterfowl stamp that is signed by the hunter or affixed to his/her license.
- 2) Immediately upon taking possession of a harvested Canada goose, the hunter shall place a red band on the goose to indicate the date of kill (one date for each goose harvested).
- 3) Hunters must report their kill within 24 hours by calling 1-800-MTDLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.
- 1) During any goose seasons that occur after the close of the Canada goose season the following areas within Union and Alexander Counties are closed to goose hunting:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Alexander County - that area encompassed by a line beginning at the intersection of Len Small Levee Road and Fayette Road and extending easterly along Fayette Road to State Route 3, easterly along State Route 3 to Railroad Street, northeasterly along Railroad Street to Sandy Ridge Road, easterly a.m. Ridge Road to State Route 127, southerly along State Route 127 to State Route 3, southerly along State Route 3 to Miller City Road, westerly along Miller City Road to Len Small Levee Road, northeasterly along Miller City Road to Sandy Ridge Road, northeasterly along Sandy Ridge Road to the intersection of the Union County/Alexander County Line and State Route 127 and extending westerly along the Union County/Alexander County Line to Mississippi River Levee Road, northerly along the Mississippi River Levee Road to Dam Road, easterly along Dam Road to Ware-Wolf Lake Road, easterly along Ware-Wolf Lake Road to State Route 146, easterly along State Route 146 to State Route 127, southerly along State Route 127 to the Union County/Alexander County Line.
- m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are hunting migratory birds. There must be a license before taking or attempting to take ducks, geese, or cranes. The instructions for registering are provided with issuance of hunting license.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 590.15 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and Managed Sites

a) Definitions

- 1) Blind site - A position within 10 feet of numbered stake where hunters are positioned. The blind site shall be located and marked by the Department of Natural Resources.
- 2) Blind builder - Person who has been assigned a blind site as a result of the drawing.
- 3) Blind partner - Person(s) chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.
- 4) Drawing - Procedure by which blind sites are assigned.
- 5) Blind registration card - Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
- 6) Complete blind - A blind with all framework and siding constructed and in readiness for use, including final brushing.
- 7) Hunting group - A group of hunters occupying a single boat, blind, or hunting site.

b) Blind Construction

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.
- 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be constructed on pilings.
- 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of duck season) after which time the Department of Conservation shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following labor day. Blind builders must post Blind Registration Card in the blind prior to the first day of duck season. If adverse weather or water conditions make compliance with this rule difficult the District Superintendent or the District Wildlife Manager may grant an extension.
- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. Publicly announced means that the information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Toll Free Hotline. All reassigned blinds must be completed, including final brushing, seven days prior to the opening date of duck season. Sites being reassigned to Pool 25 and Pool 26 blinds must be completed 25 days prior to the opening date of duck season. Blinds assigned to Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of duck season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the duck season.
- 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days of the blind opening date. Failure to do so shall result in forfeiture of blind.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 6) No person shall be allowed to be a blind builder or partner on more than one State Waterfowl Management Area in Illinois.
- 7) Boat hides are required, except as noted in Sections 590.40 and 590.30, and must have minimum inside dimensions of 18 inches x 6, and 30 inches x 6, respectively, and must be maintained in good condition throughout the season, and shall be completed including final brushing by three weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.
- 8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections subsections 590.40(a) and (b) and 590.50(a) and (b).
- c) Use of blinds
 - 1) Attempts to claim blinds by any manner other than actual occupation shall be considered an infraction of this Part and shall be considered an infraction of the State Waterfowl Management Area and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
 - 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
 - 3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.
 - 4) Blinds shall not be locked.
 - 5) Claiming or attempting to claim any manner which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.
 - 6) No person shall fish within 250 yards of an occupied blind within the hunting areas.
 - 7) All hunting parties shall hunt over a spread of at least 12 individual decoys. The decoys shall be staked, placed, or floating, be individual decoys, shall be at least 8 inches long, and not be within a boat, blind or container.
 - 8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.
- d) Public Drawing
 - 1) Time and place for all sites holding drawings shall be publicly announced by the Department of Natural Resources.
 - 2) A registrant for a drawing must be at least 16 years of age and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- possesses a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Waterfowl Identification Card, unless exempted by law. Firearm Owner's Identification Cards are required for all persons who possess a valid Firearm Owner's Identification Stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.
- e) Flood Blinds

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

 - 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds, which must be located within 10 feet of the marked blind site.
 - 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section subsections 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section subsection 590.50(b) shall apply.
 - 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except of refuges and closed waterfowl rest areas. Replacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. Persons shall remain 200 yards apart and follow normal closing hour for the site.
 - 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.
 - f) Special Hunts

If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites which, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are: Banner Marsh Fish and Wildlife Area (for the 1997/1998 season, permits will be issued through random daily drawings at the site at 9:00 a.m., and the permit requirements in subsections (b)(1) and (b)(1) do not apply)

Snake Den Hollow State Fish and Wildlife Area
Union County Conservation Area

b) Permit Requirements

- Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first week of the application period. Applicants making reservations will be notified by mail.
- Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [20 ILCS 5/3.8].
The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to determine the number of blinds to be used. The permit holder shall be responsible for the safety of the hunters and the wildlife in the area and Union County, or three partners (four persons per blind) for Banner Marsh. Unfilled blinds shall be filled by a drawing at the sites.
- Permits are not transferable.
- Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources
Permit Office - Waterfowl
P.O. Box 19457
Springfield, IL 62794-9457

c) General regulations

- All use other than permit hunting is prohibited at Snake Den Hollow from October 1 through close of Fulton-Knox County goose

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

season.

- Hours, Permits and Stamp Charges
 - Hunting hours are from legal opening time until 1:00 p.m..
 - At Snake Den Hollow from opening day through December 14, hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are valid after 5:00 a.m. From December 15 through the close of goose season, hunters with permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are valid after 5:30 a.m. At Union County Conservation Area and Banner-Marsh County Conservation Area, hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are valid after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Union County Conservation Area, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), shall have priority to be reassigned to the better blinds as they become available.
 - Follow-up blinds and blinds at Snake Den Hollow and Union County Conservation Area. A \$10.00 Daily Usage Stamp must be purchased at Snake Den Hollow and Union County Conservation Area. A \$10.00 Daily Usage Stamp must be purchased at Banner-Marsh.
 - Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
 - Guns must be unloaded and encased at all times when not hunting.
 - The legal hunting season for Union County Conservation Area is the dates of the Quota Zone goose hunting season except that the areas shall be closed on Mondays and December 24, 25, 26 and the first weekend after December 26 other than a Monday. (This size shall be open only for the Illinois Youth Goose Hunt on the first weekend after December 26 other than a Monday, pursuant to Section 3.24.1)
 - The legal hunting season at Snake Den Hollow is the dates of the Fulton-Knox County goose hunting zone except that the area shall be closed on Tuesdays, Wednesdays, and December 24, 25 and 26.
 - The legal hunting season at Banner Marsh is the dates of the central zone duck hunting season. ~~Goose hunting is prohibited after the duck season~~
 - Hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag at Union County Conservation Area and Snake Den Hollow.
 - Hunters without their guns may leave the blind to retrieve crippled waterfowl at Union County Conservation Area.
 - Hunters must be at least 16 years of age (except for the Illinois Youth Goose Hunt) or at least 18 years of age (except for the Illinois Youth Goose Hunt) and must be accompanied by a supervising adult. 16 years of age must be accompanied by a supervising adult.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Blanding Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blind sites need not be posted as closed; blind sites numbered 7 through 14 must be removed in their entirety by May 1)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Heimbold Slough (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Illinois River - Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake DePue Walk-in Unit (Daily drawing; daily hunting hours are sunrise to 1:00 p.m.)

Lake Simmsippi (Department Owned Land; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31, and 32 must be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

removed in their entirety by May 1)

Marshall County Conservation Area - Spariland Unit (Department Owned Land; previous years blind builders shall have until February 1 to salvage blind materials)

Mississippi River Pool 16 (Federal Lands; no permanent blinds--temporary blinds only above Velle Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; two year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Pekin Lake (Department Owned Land)

Piasa Island (3 year blind allocation period)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in area only; during the regular duck season, no permanent blinds; daily hunting hours will close at 3:30 p.m. CST; boats without motors may be used)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Rice Lake Walk-in and Copperas Creek Management Unit (Walk-in only, daily drawing; daily hunting hours will close at 1:00 p.m.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Riprap Landing (3 year blind allocation period)

Starved Rock State Park (Previous years blind builders shall have until February 1 to salvage blind materials; sign in and sign out to report harvest required)

William W. Powers Conservation Area (no goose hunting prior to duck season; boat hides required only at designated sites at the drawing; previous years blind builders shall have until February 1 to salvage blind materials)

b) The following regulations apply to all sites listed in this Section under subsection (a).

- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
- 2) To obtain blinds in any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
- 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). Blinds not at date, blinds become the property of the new blind builders.
- 6) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.
- 7) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished either in person or through the mail during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blinds may be removed until after the close of the waterfowl season.
- 8) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges two weeks prior to the start of waterfowl season through the waterfowl season as posted at the site.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 9) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before the opening date of waterfowl season.
- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

Redwing Slough/Deer Lake

William Powers Conservation Area

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10), General Department Regulations (Section 590.30) and the following regulations, not as noted.

- a) Regulations
 - 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with by (1) following the location in subsection (b).
 - 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
 - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
 - 4) Hunting parties must maintain a distance of 200 yards between blinds.
 - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
- 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of waterfowl season through the waterfowl season except as indicated in the remainder of this Section.
- 8) Hunting is permitted in the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site.

b) Site specific regulations

- 1) Cache River State Natural Area (1)
- 2) Campbell Pond Wildlife Management Area (1)
- 3) Carlyle Lake Project Lands and Waters
 - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 3:00 a.m. The subimpoundment areas defined as that area bordering the Kaskaskia River and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
 - B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
 - C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department of Natural Resources personnel will designate boat launching locations. Individuals float--tubes--that--to--be--used--42" diameter--and--capable--of--supporting--only--one person--are--not--permitted--to--be--used--in--the--subimpoundment--area.
 - D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, the Department of Natural Resources personnel shall post that the area is open to boats with motors of 10 HP or less and will designate boat launching locations. Only walk-in hunting shall be permitted in the subimpoundment areas. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, the Department of Natural Resources personnel shall post that the area is open to boats and will designate boat launching locations. Boats and electric trolling motors only are allowed only at these

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- times in the subimpoundment areas.
- E) In the subimpoundment areas, compartment 4 will be a waterfowl rest area during the entire waterfowl season. No hunting within 50 yards of rest area signs on E and F levees and no contact with subimpoundment is permitted. No trespassing will be allowed except for boat launching through the area on the Kaskaskia River along F levee and boats hunting on Hurricane Creek between C and D levees. At the close of duck hunting season, known eagle protection areas will be posted by the Site Superintendent and will be closed to goose hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day. Any hunter who is hunting decoys in the nearest accessible registration box must post the season's registration. All hunters must sign out and record their harvest tally before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- 4) Chauncey Marsh (1)

Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
 - 5) Clinton Lake (1)
 - A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest tally 15 days after the end of hunting privileges for following season. All boats must be anchored.
 - B) Hunting is allowed only from anchored portable boat blinds extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
 - C) No more than 4 persons shall occupy or use a portable boat blind.
 - D) Each hunting party is required to hunt over a minimum of 12 decoys.
 - E) No hunting is permitted within 300 yards of power lines.
 - 6) Cress Pond State Natural Area (1)

1) Dog Island Wildlife Management Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.

§177 Donnellie State Wildlife Area

A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.

B) Hunting hours start at sunrise.

C) Goose hunting is prohibited after the close of the duck season.

D) Resighting shall be from designated blinds only. Refilling or changing blinds is not permitted.

E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.

F) \$10.00 daily usage stamp must be purchased to hunt this area.

G) No outboard motors are allowed by public - only by authorized DNR personnel.

H) No more than 3 persons shall occupy a blind at any one time.

I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 2:00 p.m.

J) No more than 48 decoys can be used, which must be removed upon the termination of the hunt.

K) The first weekend and the third Saturday of the waterfowl season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

2) East Wood Lake
Waterfowl hunting must obtain permits prior to hunting. Permits must be returned by February 15.

10) Fox Ridge State Park (1)

Hunting restricted to Embarras River and its flood waters.

11) Fort de Chartres Historic Site (1)

A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.

B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

C) Harassment-noisy

D) No hunting is allowed during firearm deer season.

12) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated during the drawing. Hunters must report to the designated blind site must report their move to the check station attendant in person before such a move.

C) Access to water blind sites must be by boat only and from designated boat launch sites.

D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.

E) Upon vacating blind sites, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned to the station operator.

F) Decoy hunting parties are required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the waterfowl season.

H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except for legal waterfowl hunters.

I) Hunters are required to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.

J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

K) Hunting is closed on Christmas Day and New Year's Day.

L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

M) It is unlawful to shoot across any dike.

N) Waterfowl hunting shall close with the conclusion of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

duck season at Powerton Lake. At Heiddecke and Braidwood Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed after duck season.

13)††† Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only

A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays, Tuesdays or December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).

B) Hunting shall be done from assigned blinds only.

C) A daily drawing for assigned blind sites will be held 60 minutes prior to regular hunting hours at 5:00 a.m. at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.

D) Hunters must deposit their license prior to going to their blinds.

E) Hunters must park in assigned, designated areas only.

F) Hunters must hunt over a minimum of 12 Canada goose decoys.

G) Hunters must return to the check station and report their harvest by 2:00 p.m.

H) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag.

I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

14)††† Horseshoe Lake (Alexander County) Public Hunting Area

A) Closed to waterfowl hunting on Mondays and Tuesdays.

B) When duck season is closed, goose hunters may possess no more than 5 shells for each Canada goose or subspecies allowed in daily bag.

C) Hunting is allowed on a first come-first served basis.

D) It is unlawful to leave duck and goose decoys unattended.

E) Decoys must be picked up at the end of each day's hunt.

F) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

15)††† Kaskaskia River Fish and Wildlife Area

A) No waterfowl hunters may remain in the area after 3:00 p.m.

B) For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

C) All waterfowl hunting parties must use at least 12 decoys.

D) Hunting is allowed on a first come-first served basis.

E) It is unlawful to leave duck and goose decoys unattended.

F) Decoys must be picked up at the end of each day's hunt.

G) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

H) For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

I) All waterfowl hunting parties must use at least 12 decoys.

J) Hunting is allowed on a first come-first served basis.

K) It is unlawful to leave duck and goose decoys unattended.

L) Decoys must be picked up at the end of each day's hunt.

M) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

are required to sign out and report harvest daily at the nearest check station.

E) The following regulations apply to the Doza Creek Waterfowl Management Area:

i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

ii) Only waterfowl, coot and archery deer (as provided by 17 Ill. Adm. Code 670) hunting allowed in this area during the duck hunting season; goose hunting is second firearm deer season occurs after duck season.

iii) Hunting shall be done from assigned blinds only.

iv) A daily drawing for assigned blind sites will be held 60 minutes prior to regular hunting hours at 5:00 a.m. at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.

v) Hunters must deposit their license prior to going to their blinds.

vi) Hunters must park in assigned, designated areas only.

vii) Hunters must hunt over a minimum of 12 Canada goose decoys.

viii) Hunters must return to the check station and report their harvest by 2:00 p.m.

ix) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag.

x) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

xi) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

xii) For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

xiii) All waterfowl hunting parties must use at least 12 decoys.

xiv) Hunting is allowed on a first come-first served basis.

xv) It is unlawful to leave duck and goose decoys unattended.

xvi) Decoys must be picked up at the end of each day's hunt.

xvii) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

xviii) For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

xix) All waterfowl hunting parties must use at least 12 decoys.

xx) Hunting is allowed on a first come-first served basis.

xxi) It is unlawful to leave duck and goose decoys unattended.

xxii) Decoys must be picked up at the end of each day's hunt.

xxiii) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

xxiv) For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

xxv) All waterfowl hunting parties must use at least 12 decoys.

xxvi) Hunting is allowed on a first come-first served basis.

xxvii) It is unlawful to leave duck and goose decoys unattended.

xxviii) Decoys must be picked up at the end of each day's hunt.

xxix) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

xxx) For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

xxxi) All waterfowl hunting parties must use at least 12 decoys.

xxxii) Hunting is allowed on a first come-first served basis.

xxxiii) It is unlawful to leave duck and goose decoys unattended.

xxxiv) Decoys must be picked up at the end of each day's hunt.

xxxv) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

xxxvi) For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

xxxvii) All waterfowl hunting parties must use at least 12 decoys.

xxxviii) Hunting is allowed on a first come-first served basis.

xxxix) It is unlawful to leave duck and goose decoys unattended.

xxxix) Decoys must be picked up at the end of each day's hunt.

xl) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

xli) For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

xlii) All waterfowl hunting parties must use at least 12 decoys.

xliiii) Hunting is allowed on a first come-first served basis.

xliiii) It is unlawful to leave duck and goose decoys unattended.

xliiii) Decoys must be picked up at the end of each day's hunt.

xliiii) Between the Highway 13 and Highway 154 bridges, all hunters except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

xliiii) For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central zone Duck Season.
- G) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the State Line to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.
- H) A fee permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

20)344 Meredosia Lake - Cass County Portion Only (meandered waters only)

- A) All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the removal of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes.
- B) Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.

21)345 Mernett

- A) Waterfowl hunting shall be permitted only during the duck hunting season.
- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the station prior to entering the area. Individuals who wish to hunt in the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.
- C) The daily drawing shall be held one hour prior to legal opening time.
- D) All members of the hunting party shall register as a group (not to exceed 4 persons per group) for the purpose of the drawing.
- E) Hunters in the blind area shall hunt in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.
- F) In the blind area, a minimum of 12 decoys per blind is

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- G) Boats without motors may be used in the walk-in areas.
- 22)347 Midwestern National Tallgrass Prairie
- A) Hunters must check out by 2:00 p.m. A daily drawing will be held at the check station 60 minutes prior to legal hunting hours on each day hunting is allowed. A daily fee of \$5.00 per person will be charged for waterfowl hunting.
- B) Only walk-in hunting will be permitted; blinds must be portable in nature or constructed of natural materials that will not be visible to the birds. Blinds must be removed at the end of the day's hunt. A maximum of 3 hunters per blind will be allowed.
- C) The site shall be closed to waterfowl hunting on Mondays, Tuesdays, Fridays, Thanksgiving, Christmas, New Year's Day, and during site firearms deer hunts.
- D) Waterfowl hunters must hunt within 50 feet of the blind location marker. All movement on-site must be directly between the check station and blind location. Entry into restricted areas shall result in the loss of hunting privileges at the site for the remainder of that season.

23)349 Oakford Conservation Area (Wildlife Area 1)

- 23)349 Oakford Conservation Area (Wildlife Area 1)
- A) Statewide season regulations apply except that the season closes November 30 in Area A and December 15 in Area C, or the legal statewide closing, whichever is earlier.

- 25)349 Rend Lake Project Lands and Waters
- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting is permitted from 10:00 a.m. to 4:30 p.m.
- C) No waterfowl hunting is permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- D) No waterfowl hunting permitted within 200 yards of any Whistling Wings Access Area daily drawing blind/pit.
- E) All boat traffic is prohibited from entering the subimpoundments from 1 week before waterfowl season until opening day of waterfowl season.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- G) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
- During the season, a separate drawing will be held for the 4 pits at Whistling Wings. This drawing will

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
- ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
- iii) All hunters must have the registration card from the check station in their possession while hunting.
- iv) Two standby parties will be drawn for pit refill after move-up of initial hunting parties, in the reverse order of the order the pits were drawn.
- v) No more than 10 hunters decoys may be used per pit.
- vi) No more than 4 hunters will be allowed in a pit or hunting party.
- H) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- I) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.
- J) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
 - ii) Bounded on the east by a buoy line and/or signs approximating the west side of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- K) After the close of duck season, goose hunters may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.
- L) Staked Hunting Areas - Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake and only one hunting party may occupy a staked site at any given time.
 - ii) Stakes will be assigned via a daily drawing held at

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from 1/2 hour before drawing time to 9:30 a.m. daily.
- iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
- iv) Initial daily drawings will not be allowed to enter the staked area until 9:00 a.m. No hunting party may enter the staked area after 9:30 a.m. Hunters will not be allowed to enter the staked area between 9:00 a.m. and 9:30 a.m. unless there are vacant staked hunting locations.
- v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis.
- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site. Harvest numbers must sign in and out and report their harvest to the Game Warden at the area where they launch.
- 26) 26 Saline County Conservation Area (1)
- A) Waterfowl hunting is allowed north of the township road only.
 - B) Walk-in hunting only.
 - C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.
- 27) 26 Sand Ridge State Forest (Mud Turtle State Natural Area) (1)
- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
 - B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
 - C) Hunters must report harvest to site office.
- 28) 27 Sangamon Conservation Area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

west side of the Illinois River one mile north of Browning near Route 100.

B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.

C) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or firearm owner's identification cards before proceeding to area.

D) Upon the completion of hunting, hunters must report to the check station within one hour.

E) Duck hunting is prohibited in the impoundment areas during the duck season.

F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.

G) No person shall trespass on the Marion-Pickelref Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

H) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting licenses. Hunters need not occupy a blind.

I) All hunting must be conducted within the boundaries of the refuge. No hunting permitted from the walk-in area subimpoundment levee.

J) Hunters may use boats without motors in the walk-in area if the construction and/or use of permanent blinds in the walk-in area is prohibited.

229.24) Sangchris Lake State Park

A) During the last 3 days of Canada goose season, hunting hours will close at statewide closing.

B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or, in the event that personnel are unavailable to conduct the drawing, the next available day) shall be allocated on a first come-first served basis. (During that portion of the goose season which follows the duck season, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)

C) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

E) There will be a daily posted waterfowl refuge. These areas

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

shall be closed to all boat traffic (except as allowed in section 105.127(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

F) No more than 4 persons shall occupy a blind at one time.

G) The center arm of the lake shall be closed to all waterfowl hunting.

H) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.

I) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the permit and that the blind is filled by boat only.

J) Access to blind sites shall be by boat only, and from designated boat launch sites. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.

K) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes.

L) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

M) No traps or blinds shall be built on State leased or Commonwealth Edison land.

N) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.

O) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season.

P) Each party must hunt over a minimum of 12 decoys, and all decoys must be used during the day's hunt.

Q) It is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.

R) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.

30) Sato Field

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Waterfowl hunters must obtain permit prior to hunting. Permit must be returned by February 15.

31)397 Shawnee National Forest, Upper and Lower Bluff Lakes

Goose hunting is prohibited.

32)397 Shawnee National Forest, Lake Scatters

All hunting must be by walking in or in boats without motors.

33)397 Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy River)

A) All hunting must be by walking into the area.

B) Each hunting party must hunt over a minimum of 12 decoys in

Compartments 19, 20 and 21.

C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.

34)397 Stephen A. Forbes State Park

A) On the main lake hunting is allowed from a boat blind only

in the season lake hunting is allowed from a boat blind only

Only walk-in hunting is allowed in the subimpoundment.

C) Hunting shall be allowed on a first come-first served basis.

All hunters must use 12 decoys, minimum.

35)397 Ten Mile Creek Fish and Wildlife Area (1)

A) Waterfowl hunters must obtain permits prior to hunting.

Permits must be returned by February 15.

B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

C) Areas designated as Rest Areas are closed to all access during the Canada Goose season only. Rest Area designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 150 acre tract at the western edge of the Bads Mine unit.

D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

36)397 Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill (1)

37)397 Union County (Firing Line Waterfowl Management Area)

A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

B) During goose season waterfowl hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag.

C) During goose season hunting from staked sites only.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:

1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).

2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.

3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.

4) Hunting is held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an asterisk (*).

5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.

6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.

b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area #

Cache River Natural Area *

Carlyle Lake Project Lands and Water *

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area *

Fort de Chartres Historic Site

Kaskaskia River State Fish and Wildlife Area (between the Highway 13 and Highway 154 bridges) *

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Lake Shelbyville (except lands and waters covered in Section 590.60(b)(18))

Marshall Fish and Wildlife Area * §

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) §

Mississippi River Pools 16, 17 and 18 §

Oakford Conservation Area

Rend Lake Project Lands and Waters §

Saline County Conservation Area *

Sanganois State Fish and Wildlife Area * §

Shavnee Forest, Lake Scatters

Shavnee Forest, Oakwood Bottoms

Spartan Fish and Wildlife Area *

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Woodford Fish and Wildlife Area * §

c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) * §

Horseshoe Lake Fish and Wildlife Area (Controlled Hunting Area and Public Hunting Areas)

Horseshoe Lake State Park (Madison County) §

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit)

Ray Norbut State Fish and Wildlife Area *

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Rice Lake (closed after regular duck season) * §

Union County Fish and Wildlife Area (Firing Line Management Area and Controlled Hunting Area)

d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner March * §

Braidwood State Fish and Wildlife Area *

Clinton Lake

Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake Depue Fish and Wildlife Area *

Lake Mississippi Fish and Wildlife Area

Pekin Lake Fish and Wildlife Area

Sangchris Lake State Park *

Spring Lake Fish and Wildlife Area *

Starved Rock State Park *

e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:

Banner-March * §

Mississippi River Pools 21, 22 and 23 §

Stephen A. Forbes State Park *

Snake Den Hollow * §

William W. Powers Conservation Area

f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Donnelley Fish and Wildlife Area
Mazonia State Fish and Wildlife Area *

Meredosia Lake (Cass County portion only, meandering waters only)

Mermet Lake Fish and Wildlife Area
Powerton Reservoir
Redwing Slough/Deer Lake
Shawnee Forest, Upper and Lower Bluff Lakes

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) Section Numbers: 570.40
Proposed Action: Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 3.3 and 3.5 of the Wildlife Code (320 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5).
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part include opening four additional sites to furbearer and woodchuck trapping and expanding furbearer and woodchuck trapping at one site.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rule was summarized: January 1997.
The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BAUDER, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

Section

570.10 Statewide Zones

570.20 Statewide Season Dates

570.30 Statewide Hours, Daily Limit and Possession Limit

570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3-5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 18268, effective September 15, 1989; for a maximum of 10 days; amended at 13 Ill. Reg. 12034, effective September 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510—General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
- 3) Trappers must stay within assigned areas.
- 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(publicly announced means that the information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newsmakers, and placed on the Department's Toll Free Hotline) and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.

- 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Area, shall be managed by the State's Game Warden's Office. The Game Warden's Office shall submit a management plan to the State Superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
- 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
- 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
- 8) No trapping is permitted in subpondments or designated waterfowl management units during duck season.
- 9) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater, although immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Pyramid State Park (water sets only)

Rend Lake Project Lands and Waters (water sets only)

Siloam Springs State Park

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required only for traps, nets (dog-proof) traps, cage traps, and traps of a similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Coffeen Lake State Park

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

East Conant Field

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area Closed 7 days prior to duck season)

Kidd Lake State Natural Area

Lake Shelbyville Eagle Creek Wildlife Management Area

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

Little Vermilion River State Natural Area

Mernett Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Panther Creek Conservation Area

Peabody River King Fish and Wildlife Area (east, west, and south subunits only west-subunit-only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Randolph County Conservation Area

Redwing Slough/Deer Lake State Natural Area (water sets only; only body gripping traps with a jaw spread of 5-6 inches or less may be used)

Sangamon Fish and Wildlife Area

Sato Field

Site M (only Egg Traps (Registered Trademark), D-P (Dog Proof) Traps (Registered Trademark), box traps, cage traps, and traps of similar design may be used)

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

- d) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets (receptions in parentheses):

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Coleta Ponds

Giant City State Park

Hennepin Canal Parkway including Mississippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Horseshoe Lake State Park-Madison County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jonson-Sauk Trail State Park

Lake Le-Aqua-Wa State Park

Mackinaw River State Fish and Wildlife Area

Marshall County Fish and Wildlife Area

Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area

Rock Out State Park

Saugchris Lake State Park

Shabbona Lake State Park

Spartan Fish and Wildlife Area

Spring Lake Conservation Area

Trail of Tears State Forest

Union County Conservation Area

- e) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations shall be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) Code Citation: 17 Ill. Adm. Code 550

3) Section Numbers: Proposed Action:
550.30 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part allow furbearer and woodchuck hunting at five additional sites and close for hunting at one site.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

13) Regulatory Agenda on which this rule was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 550
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING
SITES

Section

550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 8836; emergency amendment at 5 Ill. Reg. 11159, effective October 20, 1991; for emergency amendment at 5 Ill. Reg. 10990, effective October 6, 1991; Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11358, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective July 1, 1992; amended at 17 Ill. Reg. 10994, effective July 1, 1993; amended at 18 Ill. Reg. 10990, effective August 1, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. _____.

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held for the opening of the season on the date of the drawing. The drawing shall be announced by the Department by public document and the drawing shall be held at the site. The number of permits per

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- c) site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
.22 rifle firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (receptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Horseshoe Lake Conservation Area - Alexander County (Public Hunting Area except Controlled Hunting Area)

I-24 Wildlife Management Area

Johnson Sauk Trail State Park (archery only; coyote and fox only;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

season shall coincide with archery deer season on this site)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kid Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (coyote and fox only; fox statewide season; coyote opens with fox season - February 28; hunting hours 1/2 hour before sunrise - sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Oakford Conservation Area

Panther Creek Conservation Area (statewide seasons for coyote and striped skunk)

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbit State Fish and Wildlife Area (all hunting closes November 30 in area A; all hunting closes December 15 in area C)

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Sangamon State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Shawnee National Forest, Oakwood Bottoms and LaPue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Silom Springs State Park

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset - sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinburg-King State Park (c)(d)

Wildcat Hollow State Forest

Winkowsky State Wildlife Area (coyote and-fox only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site; coyote-only during-firearm-deer-season)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

9) Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in 550.30(b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Crawford County Conservation Area

East Conant Field

Fox Ridge State Park

Green River State Wildlife Area (all hunting begins on the day after upland game season; raccoons, opossum and fox close with statewide season; skunk and coyote close the last day of February)

Hamilton County Conservation Area

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Hidden Springs State Forest

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville - Eagle Creek State Park (sunrise to sunset only; shotgun only)

Lake Shelbyville - Eagle Creek Wildlife Management Area

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Little Vermillion River State Natural Area

Middlefork Fish and Wildlife Management Area

Moraine View State Park (season opens after site's controlled pheasant season; night hunting only)

Ramsey Lake State Park

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest

Sangchris Lake State Park (fox, coyote and skunk hunting only; statewide seasons for fox, coyote and striped skunk except during waterfowl season only hunters pursuing waterfowl or upland game in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590 may take fox, coyote and skunk; shotgun only)

Sato Field

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Site M (statewide seasons for coyote and striped skunk)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed)

Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Squirrel Hunting2) Code Citation: 17 Ill. Adm. Code 6903) Section Numbers:
690.30 Proposed Action:
Amendments4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open additional sites to hunting and add language allowing only non-toxic shot in waterfowl areas at three sites.6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic re-eval date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not-for-profit corporations affected: N/AB) Reporting, bookkeeping or other procedures required for compliance:
N/AC) Types of professional skills necessary for compliance: N/A13) Regulatory Agenda on which this rule was summarized: January 1997

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 690
SQUIRREL HUNTING

Section
690.10 Hunting Seasons
690.20 Statewide Regulations
690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9442, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- Hunting with .22 caliber rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (2)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Asyle Lake State Park (2)
Big Bend State Fish and Wildlife Area (2)
Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (1)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day: 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DDC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhurst Branch only)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

I-24 Wildlife Management Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

Kidd Lake State Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Kinkaid Lake Fish and Wildlife Area (1)
 Marseilles Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Mermet Lake Conservation Area [non-toxic shot only in waterfowl areas] (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Peabody River King State Fish and Wildlife Area (east and north subunits closed, November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (closes November 30 in Area A; closes December 15 in Area C) (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

Saline County Fish and Wildlife Area (1) (2)

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area (1)

Sangamon State Fish and Wildlife Area (1)

Shawnee National Forest, Oakwood Bottoms (non-toxic shot only) (1)

Stephen A. Forbes State Park (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Walnut Point Fish and Wildlife Area (2)

Washington County Conservation Area (2)

Weinberg-King State Park (1) (2)

Wildcat Hollow State Forest (1)

Witkovsky State Wildlife Area [opens after second firearm deer season] (closes-September-30) (2)

e) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park - Fern Clyffe Hunting Area (2)

Giant City State Park

Hamilton County Conservation Area (2)

Pere Marquette State Park (2)

Pyramid State Park (2)

Silcoam Springs State Park (2)

f) Season dates shall be the day after Labor Day to September 30 at the following sites:

Johnson-Sauk Trail State Park (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

g) Statewide regulations apply at the following sites, except that hunters must obtain a permit from the Department and stations in season dates are in parentheses. Permits must be in possession

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges at that site for the following year:

Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)

Clinton Lake State Recreation Area

East Conant Field (1)

Fox Ridge State Park (1)

Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1) (1)

Kickapoo State Park (season opens day after Labor Day)

Lake Shelbyville - Eagle Creek State Park

Lake Shelbyville - Eagle Creek Wildlife Management Area (1)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (1)

Little Vermilion River State Natural Area

Middlefork Fish and Wildlife Area (season opens day after Labor Day)

Moraine View State Park

Mt. Vernon Game Propagation Center (closes September 30)

Ramsey Lake State Park

Sato Field (1)

Site M (the Quality Unit and Controlled Unit close October 31) (1)

Ten Mile Creek Fish and Wildlife Area (1)

h) Season dates shall be statewide opening through September 30 at the following sites:

Castle Rock State Park (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Woodford County Fish and Wildlife Area (2)

i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horsehoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season non-toxic shot only) (1)

Sand Ridge State Forest (1) (2)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit - statewide closing non-toxic shot only) (1)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- C) Types to professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rule was summarized: January 1997
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys - Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3) Section Numbers:
720.10 Proposed Action:
720.10 Amendments
720.20 Amendments
720.40 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open four new counties to hunting; change the issuance of fall archery turkey permits from a mail-in system through the Permit Office to an over-the-counter system through local vendors; and open new sites to hunting.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic reveal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:
- Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Report, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 720
THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

- Section
720.10 Hunting Seasons and Counties Open to Hunting
720.20 Statewide Turkey Permit Requirements
720.25 Turkey Permit Requirements - Landowner/Tenant Permits
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 2811, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 31, 1995; amended at 20 Ill. Reg. 9890, effective August 5, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: Statewide season October 1 through the first Thursday after January 10, closed during firearm deer season, as set out in 17 Ill. Admin. Code 650.

b) Open Counties:

Adams	Marion
Alexander	Marshall
Bond	Mason
Bureau	Menard
Calhoun	Monroe
Carroll	Montgomery
Cass	Morgan
Clark	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Clay	Ogle
Clinton	Peoria
Coles	Perry
Crawford	Pike
Cumberland	Pope
Effingham	Pulaski
Fayette	Putnam
Fulton	Randolph
Greene	Rock Island
Grundy	Saline
Hamilton	Schuyler
Hancock	Scott
Hardin	Shelby
Henderson	St. Clair
Henry	Stephenson
Jackson	Tazewell
Jasper	Union
Jefferson	Vermillion
Jersey	Verona
Johnson	Washington
Knox	Wayne
LaSalle	Whiteside
Lawrence	Williamson
Lee	Winnebago
Madison	Woodford
Macoupin	Madison

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 720.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain an archery "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$5.00. Non-resident turkey hunters shall be charged \$50.00 for wild turkey hunting permits. Paid archery turkey permits are only available over-the-counter (OTC) from license vendors located throughout the State. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. Applications for wild turkey permits must be mailed to:

Department of Natural Resources—Fall Archery-Wild Turkey Permit
244-Sr Second Street Room 210
Springfield, Illinois 62994-9446

- b) Applicants must complete all portions of the permit application--form

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

incomplete applications will be rejected and fees returned. Each applicant must submit a permit check with the application. Applications submitted after the first week of the season will not be guaranteed receipt of permit by start of season.

c) Applications will be accepted beginning the first workday after July 4. All requests must be on an official application form. Permits are not transferable and refunds will not be granted.

d) Hunters purchasing an archery turkey permit must supply all necessary applicant information to the license vendor in order to properly complete the permit.

e) An individual may purchase only one archery turkey permit per season. Permits are not transferable and refunds will not be granted.

f) A \$3.00 service fee will be charged for replacement permits issued by the Department except when permits are lost in the mail. Then there will be no charge. The procedures for obtaining a replacement license will be identical in the Wildlife and Fish Fund. Permits from this source will be added to the Wildlife and Fish Fund.

g) It shall be unlawful to:

- 1) Purchase or attempt to purchase more than one archery turkey permit. Submit more than one application for the same person.
- 2) Provide false and/or deceptive information to a vendor when purchasing a permit on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Those sites followed by (2) require hunters to obtain a permit from the site before hunting:

- * Anderson Lake Conservation Area (1)
- Argyle Lake State Park (1)
- Beaver Dam State Park (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Castle Rock State Park (1)

Chauncy Marsh (2) (permit available at Red Hills State Park)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dog Island Wildlife Management Area

East Conant Field (2)

Ferne Clyffe State Park

Fort de Chartres Historic Site

Franklin Creek State Park (1)

Giant City State Park

Green River State Fish and Wildlife Area (no hunting Wednesday through Sunday during the controlled pheasant hunting season) (1)

Hamilton County Conservation Area (must possess valid site archery permit) (2)

I-24 Wildlife Management Area

Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)

Jubilee College State Park (2)

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy 154 east of the Kaskaskia River, and south of Rison School

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Road-and-back-a-landing-access-road

Kickapoo State Park (2)

Kinkaid Lake Fish and Wildlife Area

Louden-Miller State Forest (1)

Mackinaw Fish and Wildlife Area (1)

Marcellus Wildlife Area (closed each Friday, Saturday, and Sunday in October) (1)

Marshall State Fish and Wildlife Area (2)

Middlefork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)

Pere Marquette State Park (1)

Pyramid State Park

* Ramsey Lake State Park (2)

* Randolph County Conservation Area

Ray Norbit State Fish and Wildlife Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C)

* Red Hills State Park (1)

* Rend Lake State Fish and Wildlife Area

Saline County Conservation Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

* Sam Dale Lake Conservation Area (2)

* Sam Parr State Park (1)

Sand Ridge State Forest (2)

Sangamon State Fish and Wildlife Area

Sato Field (2)

Siloam Springs State Park

Site M (2)

Stinking Lake State Fish and Wildlife Area (2)

* Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area - firing line unit - Statewide, season, Public Hunting Area October 1-25 prior to the opening of goose season, reopens with the close of the Quota Zone goose season

Washington County Conservation Area (1)

Weinburg-King State Park

Wildlife Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: The Taking of Wild Turkeys - Fall Gun Season
- 2) Code Citation: 17 Ill. Adm. Code 715
- 3) Section Numbers:
Amendments:
715.10
715.40
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open new counties to hunting; change regulations and application procedures at various sites; and add provisions for a special program for hunters with disabilities at Rock Cut State Park.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 E. Second Street
Springfield, IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 13) Regulatory Agenda on which this rule was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 715
THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section
715.10 Hunting Season, Open Counties and Permit Quotas
715.10 Special Requirements - Special Hunts
715.21 Turkey Permit Requirements - Special Hunts
715.25 Turkey Permit Requirements - Landowner/Tenant Permits
715.30 Turkey Hunting Regulations
715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 10950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 7, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10898, effective August 18, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11862, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10.
b) Open Counties

OPEN COUNTIES

Adams
Alexander
Brown
Calhoun
Carroll
Cass
Gallatin/Hardin (south of Rt. 13 only)
Greene
Hancock
Henderson
Jackson
Jersey
Joliet
Judson
Johnson

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT(S)

Macoupin
Marion
McDonough
Monroe
Pike
Pope (north of Rt. 146 only)
Randolph
Saline
Schuyler
Scott
Tenderloin
Union
Whiteside
Williamson
Winnebago

- c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)
Mississippi River Fish and Waterfowl Management Area (pools 25 and 26)

Mississippi River Pool 18 (Henderson County only)

Mississippi River Pools 21, 22, 24

Panther Creek Conservation Area

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park
Big River State Forest

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Cache River State Natural Area (Johnson County portion only)

Cypress Pond State Natural Area

Ferne Clyffe State Park

Fort de Chartres Historic Site (muzzleloading shotguns only)

Giant City State Park

I-24 Wildlife Management Area

Kinkaid Lake Fish and Wildlife Area

Mississippi River-Pock-Idenderson-County-only

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area-Firing Line Management Unit Only

Weinburg-King State Park

Wittowsky State-Wildlife-Area

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Sato Field

Site M

Wittowsky State Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt. Permits will be \$15.00 each, site specific to each site. Hunters with disabilities may participate in the hunt. Hunters with disabilities will be eligible and encouraged to participate. Any additional information will be published and included on the Department's Internet Home Page at <https://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newscasters, and placed on the Toll Free Hotline).

Rock Out State Park

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Handguns

2) Code Citation: 17 Ill. Adm. Code 680

3) Section Numbers: Proposed Action:
680.20 Amendments
680.30

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part eliminate the need for hunters to record their Firearm Owner's identification number, hunting license number, and physical description on the deer hunting permit; and allow hunters to tag deer on the head instead of the leg to facilitate handling by the taxidermist.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking shall be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affect: None

B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

C) Types of Professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER D: FISH AND WILDLIFE

WHITE-TAILED DEER HUNTING SEASON BY USE OF HANDGUNS
 PART 680

Section

- 680.10 Statewide Season
 680.20 Statewide Deer Permit Requirements
 680.30 Deer Permit Requirements - Group Hunt
 680.40 Statewide Handgun Requirements for Deer Hunting
 680.50 Statewide Deer Hunting Rules
 680.60 Reporting Harvest
 680.70 Revocation of Application/Revocation of Permits
 680.80 Regulations at Various Department-Owned or -Managed Sites
- AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/3.36, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13553, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Handgun Deer Permit" (\$15.00 fee) before they are allowed to hunt deer. The opening date of the handgun deer season applied for a permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Natural Resources
 (Handgun Deer Season)
 Deer Permit Office

524 South Second Street, Room 210
 Post Office Box 19277

Springfield, IL 62794-9277

- b) Applications shall be accepted from November 1 through the tenth weekday in November for the Handgun Deer Season in the following January. Applications post-marked after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.

- c) In-person and mail-in applications shall receive equal treatment in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

the drawings.

- d) Each applicant must apply using the official agency Handgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each separate permit application shall be submitted in a separate envelope. Separate envelopes must be used for each application to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- e) For the applicant to be eligible to receive a Handgun Deer Permit (\$15.00), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
- f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
- g) Recipients of the Handgun Deer Hunting Permit shall record their signature--firearm--owner--identification--number--antlerless--exempt--hunting--item--number--antlerless--exempt--and--physical--description on the permit and must carry it on their person while hunting.
- h) Permits shall be issued on a first-come, first-served basis unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- i) A three-dollar-\$3.00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- j) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 680.50 Statewide Deer Hunting Rules

- a) The bag limit is one antlerless deer per legally authorized antlerless-only permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.
- b) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached to the leg of antlerless deer less than 3 inches antler length, or no antlers. A permanent harvest tag will be attached to the leg of the deer upon checking at the check

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

station. If the deer head is delivered to a taxidermist for processing, the temporary harvest tag must be removed from the leg and must remain with the head while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest free-tag tag must be attached to the leg of the deer until it is processed, then must remain with the head and be delivered to the taxidermist. Persons of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist--sub-buyer or tanner for processing must supply the taxidermist--sub-buyer or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist--sub-buyer or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

c) Hunters shall not have in their possession, while in the field during the handgun deer season, any deer permit issued to another person (permits are non-transferable).

d) Hunters shall not be re-issued in cases involving deer taken which are found to be illegal or involved due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Bank Branches
- 2) Code Citation: 38 Ill. Adm. Code 305
- 3) Section Numbers: 305.10 Proposed Action: Amended
305.20 Amended
305.30 Repealed
305.40 Repealed
- 4) Statutory Authority: Implementing Section 5(15) and authorized by Section 48(6) of the Illinois Banking Act (205 ILCS 5/5(15) and 48(6)).
- 5) A Complete Description of the Subjects and Issues Involved: The Office of Banks and Real Estate (OBRE) is amending its rule requiring state banks to notify OBRE of the anticipated establishment of a bank branch. As amended, the rule would require notice to OBRE 30 days prior to the opening of the bank branch and would permit the establishing bank to submit a copy of its federal branch application to meet the notice requirement of this Part.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic renewal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This Rule does not create or expand a state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe
Springfield, IL 62701
(217) 782-3000

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Small businesses are not affected

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENT

by this rule.

- B) Repealing bookkeeping or other procedures required for compliance: N/A
C) Types of professional skills necessary for compliance: N/A

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment begins on the next page:

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER 11: OFFICE OF BANKS AND REAL ESTATE

PART 305
BANK BRANCHES

Section

305.10 Definitions

305.20 Procedure to Establish and Maintain a Bank Branch

305.30 Acknowledgment by the Office of Banks and Real Estate (Repealed)

305.40 Date a Branch is Established and Maintained (Repealed)

AUTHORITY: Implementing Section 5(15) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(15) and 48(6)].

SOURCE: Adopted at 12 Ill. Reg. 11178, effective August 8, 1988; recodified from Chapter 11, Commissioner of Banks and Trust Companies, to Chapter 11, Office of Banks and Real Estate, pursuant to P.A. 89-508, at 20 Ill. Reg. 12645, amended at 21 Ill. Reg. _____, effective _____.

Section 305.10 Definitions

"Act" means the Illinois Banking Act [205 ILCS 5] as now or hereafter amended.

"Appropriate federal banking agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis.

"Bank" means a state bank or a national bank.

"Notice" means a copy of the state bank's application to its appropriate federal banking agency for approval to establish a branch the form prescribed by the Office of Banks and Real Estate--and--fitted by--a--state--bank--seeking-to-establish-and-maintain-a-bank-branch-and which requests such information as the office shall deem appropriate--(five)--estimated--fixed--assets--and--operating--expenses--of--the--bank--branch).

"Office" means the Office of Banks and Real Estate.

"State bank" means a bank that has a banking charter issued under the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

Section 305.20 Procedure to Establish and Maintain a Bank Branch

A state bank seeking to establish and maintain a bank branch must file a Notice with the Office of Banks and Real Estate not less than 20 business days before the date of the proposed establishment of the branch, and the bank must be in the process of obtaining the necessary approvals from the appropriate regulatory authorities before the bank branch begins doing business.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 305.30 Acknowledgment by the Office of Banks and Real Estate (Repealed)

The Office of Banks and Real Estate shall acknowledge a state bank seeking to establish and maintain a bank branch within 30 days of receipt of a complete Notice, if it is found that the provisions of Section 515b of the Act (605 ILCS 5/515b) have been complied with.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 305.40 Date a Branch is Established and Maintained (Repealed)

A bank branch shall be deemed to be established and maintained at the time all necessary bank regulatory approvals (Federal Reserve Bank, Deposit Insurance Corporation, Federal Reserve Bank, Office of the Comptroller of the Currency) are issued to the bank seeking to establish and maintain the bank branch. The acknowledgment of the Office of Banks and Real Estate shall not be deemed to be a necessary bank regulatory approval for purposes of this Section.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

1) Heading of the Part: Blacklist Discrimination

2) Code Citation: 38 Ill. Adm. Code 302

3) Section Numbers: 302.10
302.20
302.30
302.40
Proposed Action:
New Section
New Section
New Section
New Section

4) Statutory Authority: Implementing and authorized by Section 6(e) of the Office of Banks and Real Estate Act (20 ILCS 3205/6(e)).

5) A Complete Description of the Subjects and Issues Involved: This Part defines the terms "blacklist" and "discrimination" as they relate to state-chartered banks and prohibits discrimination by a state-chartered bank by use of a blacklist.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe
Springfield, IL 62701
(217)782-3000

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses are not affected by this rule.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

B) Reotyping, bookkeeping or other procedures required for compliance:
N/A

C) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Rule begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 302

BLACKLIST DISCRIMINATION

Section

302.10 Scope
302.20 Definitions
302.30 Guidelines
302.40 Implementation

AUTHORITY: Implementing and authorized by Section 6(e) of the Office of Banks and Real Estate Act [20 ILCS 3205/6(e)].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 302.10 Scope

This Part is promulgated pursuant to Section 6(e) of the Office of Banks and Real Estate Act [20 ILCS 3205/6(e)] and applies to all state banks.

Section 302.20 Definitions

For purposes of this Part the following definitions shall apply:

"Act" means the Illinois Banking Act (205 ILCS 5).

"Blacklist" means a list of persons marked by those who prepare the list or those among whom the list is intended to circulate with the intention that persons on the list may not avail themselves of goods or services, but shall not include lists prepared by the federal government or federal administrative agencies pursuant to federal law.

"Discrimination" means, upon a prohibited basis:

denying any person any of the services normally offered by the state bank to other persons similarly situated; or

providing any person, to their disadvantage, with any service which differs from that which is provided in a different manner from, that service as provided to other persons similarly situated; or

denying or varying the terms of a loan to any person from loans approved or offered to other persons similarly situated.

"Person" means any individual, corporation, partnership, association

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

or other entity.

"State bank" means a state bank as defined by the Act.

Section 302.30 Guidelines

No state bank shall discriminate against any person because that person appears upon a blacklist issued by any domestic or foreign corporate or government entity.

Section 302.40 Implementation

All state banks shall forbid discrimination by bank directors, officers or employees against any person because that person appears upon a blacklist.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

1) Heading of the Part: Calculation, Assessment and Collection of Periodic Fees

2) Code Citation: 38 Ill. Adm. Code 375

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
375.10	New Section
375.20	New Section
375.30	New Section
375.40	New Section
375.50	New Section
375.60	New Section
375.70	New Section

4) Statutory Authority: Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)] and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

5) A Complete Description of the Subjects and Issues Involved: This rule addresses the manner in which the Office of Banks and Real Estate will calculate, assess and collect call report fees from state banks and other periodic fees from corporate fiduciaries. It also addresses the applicability of such fees to state banks that result from mergers with or conversions by other financial institutions and to banks that leave the state system by merging with or converting to national banks. Finally, the rule directs the payment of such fees by an electronic transfer or automatic debit transaction.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic re-eval date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule does not create or expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

Springfield, Illinois 62701
(217) 782-3000

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses are not affected by this rule.
- B) Reporting, bookkeeping or other procedures required for compliance: N/A
- C) Types of professional skills necessary for compliance: N/A
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Rule begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 375

CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES

Section	Purpose
375.10	Definitions
375.20	Call Report Fees
375.30	Calculation of Call Report Fees for Resulting State Banks
375.40	Assessment of Accrued Fees Against a Converting or Merging State Bank
375.50	Credits and Additional Assessments Not Applicable to Resulting National Banks
375.60	Payment by Electronic Transfer or Automatic Debit
375.70	

AUTHORITY: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)] and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 375.10 Purpose

This Part sets forth the manner in which the Office of Banks and Real Estate shall calculate, assess and collect call report fees and other periodic fees payable by state banks and converting or merging state banks pursuant to the Illinois Banking Act and Section 5-10 of the Corporate Fiduciary Act. Nothing in this Part is to be construed as limiting or being applicable to fees that the Office of Banks and Real Estate may assess pursuant to other provisions of the Illinois Banking Act or pursuant to other State laws or rules.

Section 375.20 Definitions

"Act" means the Illinois Banking Act [205 ILCS 5].

"Call Report Fee" means the fee to be paid to the Commissioner by each state bank pursuant to Section 48(3)(a) of the Act.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.

"Corporate fiduciary" shall have the meaning ascribed to that term in Section 1-5.05 of the Corporate Fiduciary Act [205 ILCS 620/1-5.05].

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

"State bank" means a banking corporation that has a banking charter issued by the Commissioner, and that includes a foreign banking office holding a certificate of authority pursuant to the Foreign Banking Office Act (205 ILCS 645).

Section 375.30 Call Report Fees

Each state bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one-fourth of the sum of the annual fixed fee of \$800, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 of the Act (205 ILCS 5/47) for the preceding quarter according to the following schedule: 1¢ per \$1,000 of the first \$5,000,000 of total assets; 2¢ per \$1,000 of the next \$5,000,000 of total assets; 3¢ per \$1,000 of the next \$5,000,000 of total assets; 4¢ per \$1,000 of the next \$5,000,000 of total assets; 5¢ per \$1,000 of the next \$5,000,000 of total assets; 6¢ per \$1,000 of the next \$5,000,000 of total assets; 7¢ per \$1,000 of the next \$5,000,000 of total assets; 8¢ per \$1,000 of the next \$5,000,000 of total assets; 9¢ per \$1,000 of the next \$5,000,000 of total assets; 10¢ per \$1,000 of the next \$5,000,000 of total assets; and .1¢ per \$1,000 of all assets in excess of \$100,000,000 of the state bank. The Call Report Fee shall be calculated by the Commissioner and billed to the banks for remittance at the time of the quarterly statements of condition provided for in Section 47 of the Act.

Each state bank which receives electronic data processing ("EDP") services subject to the Commissioner's examination shall be assessed an EDP fee equal to 5¢ per \$1,000 of the assets shown on the Call Report Fee. The EDP fee will be assessed and will be payable with the Call Report Fee.

Section 375.40 Calculation of Call Report Fees for Resulting State Banks

When a state bank results from a conversion by any financial institution other than a state bank and no statement of condition for such resulting state bank for the preceding quarter was submitted to the Commissioner pursuant to Section 47 of the Act, the Call Report Fees shall be calculated for such resulting state bank using the formula set forth in Section 375.30 of this Part based on the most recent periodic report of condition submitted by the converted financial institution to its primary regulator.

When a state bank results from a merger of one or more financial institutions into the resulting state bank, the Call Report Fee shall be calculated for such resulting state bank using the formula set forth in Section 375.30 of this Part based on the aggregate of the total assets reported in the most recent periodic reports of conditions submitted by the merged financial institutions to their primary regulators.

Section 375.50 Assessment of Accrued Fees Against a Converting or Merging State Bank

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

When a state bank converts to a national bank, merges into a resulting national bank, dissolves, surrenders its certificate of authority or in any other manner ceases to be a state bank, such state bank shall be liable on a pro rata basis to the Commissioner for any accumulated Call Report Fees prior to the date that the state bank ceases to be a state bank.

Section 375.60 Credits and Additional Assessments Not Applicable to Resulting National Banks

A financial institution other than a state bank that results from a conversion by or merger with a state bank shall not be eligible for any credit and shall not be liable for any additional assessments described in Section 48(3)(d-1) of the Act (205 ILCS 5/48(3)(d-1)).

Section 375.70 Payment by Electronic Transfer or Automatic Debit

Payment of all fees assessed by the Commissioner pursuant to Section 48(3) of the Act (205 ILCS 5/48(3)) and Section 5-10 of the Corporate Fiduciary Act (205 ILCS 620/5-10) shall be made by each state bank and corporate fiduciary to the Commissioner by means of electronic transfer of funds from, or automatic debit of, an account of the state bank or corporate fiduciary, unless the Commissioner authorizes a state bank or corporate fiduciary to submit payment by some other means.

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Eligible State Bank

2) Code Citation: 38 Ill. Adm. Code 380

3) Section Numbers: Proposed Action:
380.10 Amended
380.20 Amended
380.30 Repealed

4) Statutory Authority: Implementing Section 48(2) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/48(2) and 48(6)].

5) A Complete Description of the Subjects and Issues Involved: The amendments to this Part replace the references to state bank examinations being conducted "each year" or on an annual basis with references to the examinations being conducted "each year" or on an annual basis in Section 48(2)(a) of the Illinois Banking Act, thereby eliminating the need for future amendment(s) to this Part whenever the statutorily mandated examination frequency may change. The definition of "CAMEL Rating" in Section 380.20 is updated to reflect a new component in the bank rating system. References to obsolete statutory provisions are eliminated. The definition of "Eligible state bank" is amended to clarify that a state bank will not qualify as an eligible state bank if the federal bank examiners will not alternate with the Office of Banks and Real Estate in conducting examinations of the bank.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic renewal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule does not create or expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 E. Randolph
Springfield, Illinois 62701
(217)782-3000

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses are not affected by this rulemaking.

B) Recordkeeping or other procedures required for compliance:
N/A

C) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed changes begins on the next page:

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 380
ELIGIBLE STATE BANK

Section 380.10	Purpose
380.20	Definitions
380.30	General Rule (Repealed)

AUTHORITY: Implementing Section 48(2) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/48(2) and 48(6)].

SOURCE: Adopted at 18 Ill. Reg. 4630, effective March 14, 1994; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. _____, effective _____.

Section 380.10 Purpose

Section 48(2)(a) of the Illinois Banking Act [205 ILCS 5/48(2)(a)] (see PA 89-508) requires that the Commissioner, at least once within each calendar year, conduct an examination of the affairs of every state bank, except that an examination conducted by an eligible state bank's appropriate federal banking agency may suffice as a substitute for the Commissioner's own examination during alternating time periods for every eligible state bank's own examination. In lieu of an annual examination, every other year, the Commissioner will accept the examination made by the eligible state bank's appropriate federal banking agency, provided the appropriate federal banking agency has made such an examination. The purpose of this Part Rule is to define "eligible state bank" in a manner that enables identification of those state banks for which an examination conducted by the appropriate federal banking agency may be accepted in lieu of the Commissioner's own examination. The Commissioner will accept an examination by the appropriate federal banking agency on an alternating basis years.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 380.20 Definitions

"Regular Annual examination" means a full scope, on-site examination of a state bank conducted by the Commissioner or by the state bank's appropriate federal banking agency within each examination period during a calendar year.

"Appropriate federal banking agency" means the Federal Deposit

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENTS

Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis, as determined by federal law (12 U.S.C. 1813(q)).

"CAMELS CAMB Rating" means the rating assigned to a state bank by the Commissioner or by the state bank's appropriate federal banking agency, based on a composite evaluation of the following six five individual performance components: Capital, Asset Quality, Management, Earnings, and Liquidity and Sensitivity to Market Risk. The CAMELS CAMB Rating, and the rating assigned to each individual component, are assigned on a scale of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

"Commissioner" means the Illinois Commissioner of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.

"Eligible state bank" means an Illinois state bank that, at its last regular annual examination, was assigned a CAMELS CAMB Rating of 1 or a CAMELS CAMB Rating of 2, with no more than one individual performance component rated 3; provided, however, that the assigned component was not rated 3, and the assigned component was not rated 4 or 5, except that, unless otherwise determined by the Commissioner, the following shall not be an eligible state bank:

A newly chartered state bank, for the first three years after receiving its charter, provided that a state bank chartered for the purposes set forth in Section 3-95(b)(1) of the Illinois Bank Holding Company Act shall not be deemed to be a newly-chartered state bank;

A state bank that receives accepting deposits and making loans pursuant to Section 3-95(b)(1) of the Illinois Banking Act for the first three years after such resumption;

A state bank that results from the merger of a state bank with a financial institution other than a state bank national bank—an insured-savings association—or a savings bank, for the first examination period year after such merger;

A state bank that results from the merger of a state bank with another state bank which was assigned a CAMELS CAMB Rating of 3, 4 or 5 at its last regular annual examination, for the first examination period year after such merger;

A state bank that results from the conversion of a financial

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

institution other than a state bank national-bank-to-a-state bank, for the first examination period year after the conversion;

A state bank that has undergone a change of control pursuant to Section 18 of the Illinois Banking Act shall be subject to the same supervision or control of more than 50% of the outstanding voting stock of the state bank, for the first examination period year after the change of control;

A state bank whose management or board of directors has requested an examination by the Commissioner;

A state bank, that in the opinion of the Commissioner, is:

operating in an unsafe manner;

operating in an unsound condition;

conducting its business in violation of applicable laws, rules or regulations; or

conducting its business in a fraudulent manner;

A state bank concerning which the appropriate federal banking agency has communicated to the Commissioner that such federal banking agency will not alternate in conducting examinations of the particular bank or class of banks; and

A state bank that is subject to an administrative order or other regulatory or enforcement action corrective notice issued by the Commissioner--the Federal Deposit Insurance Corporation--the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis or the appropriate federal banking agency.

"Examination period" means the time frame within which the Commissioner must conduct a regular examination of each state bank pursuant to Section 48(2) of the Illinois Banking Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 380.30 General Rule (Repealed)

The Commissioner shall conduct an annual examination of a state bank, except that in the case of an eligible state bank, the Commissioner, in lieu of an annual examination every other year, shall accept the annual examination conducted by the eligible state bank's appropriate federal banking agency.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Fees For Radioactive Material Licensees
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3) Section Number: 331-200
Emergency Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (420 ILCS 40/11).
- 5) Effective Date of Amendments: March 19, 1997
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will remain effective for the full 150 days.
- 7) Date Filed in Agency's Principal Office: March 19, 1997
- 8) Reason for Emergency: The Department of Nuclear Safety is dependent upon fees from licensees, especially the full cost recovery licensees (e.g., waste handlers and Kerr-McGee Chemical Corporation), to provide adequate staff and resources to meet the needs of the State. The Department is reviewing associated license amendments regarding Kerr-McGee's clean up work ongoing in West Chicago, Illinois, the Department finds it necessary to increase the hourly rate for full cost of review. Without adequate funding from licensees for staffing, an imminent threat to public health and safety exists because the Department cannot ensure adequate protection of the public health and safety.

Evaluation of the activities in West Chicago are performed by Department staff on a full-cost basis. The current hourly rate specified in the rule does not match the Department's costs associated with these reviews. An increase in funding is necessary to ensure licensed activities reviewed by the Department continue to be evaluated by technically competent individuals.

- 9) A Complete Description of the Subjects and Issues Involved: The Department is adopting this emergency amendment to change the hourly rate for professional staff review to ensure that adequate funds are provided to perform necessary inspection and licensing activities.

The Department's action should not be understood as a desire to limit or preclude public comment. The Department will be proposing shortly, for public comment, a general rulemaking that covers the topics included in the Emergency Amendment.

- 10) Are there any other proposed amendments to this Part pending? No

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY AMENDMENTS

- 11) Statement of Statewide Policy Objectives: The requirements imposed by the emergency rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Information and questions regarding this emergency rule shall be directed to:

Valerie A. Pucini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9881 (voice)
(217) 782-6113 (TDD)

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 331

FEES FOR RADIOACTIVE MATERIAL LICENSES

Section

331.10	Purpose
331.20	Scope
331.30	Definitions
331.110	Exemptions
331.120	Payment of Fees
331.130	Refunds
331.140	Renewals
331.200	Full Cost of Review

EMERGENCY

331.210 Schedule of Fees For Radioactive Material Licenses (Repealed)

331.310 Failure By Applicant or Licensee To Pay Prescribed Fee

APPENDIX A Schedule of License Fees (Repealed)

TABLE A License Fees - Jan. 1, 1988 - Dec. 31, 1988 (Repealed)

TABLE B License Fees - Jan. 1, 1989 - Dec. 31, 1989 (Repealed)

TABLE C License Fees - Jan. 1, 1990 - Dec. 31, 1990 (Repealed)

APPENDIX B Fee Schedule For Radioactive Material Licenses (Repealed)

APPENDIX C Fee Schedule For Sealed Source And Device Evaluations (Repealed)

APPENDIX D Fee Schedule For Radioactive Material Licenses

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency adopted 21 Ill. Reg. 4300, effective March 19, 1997, for a maximum of 150 days.

Section 331.200 Full Cost of Review

EMERGENCY

Initial applications, amendments and renewals for licenses designated as full cost in Appendix D of this Part, and evaluations of new sealed sources and devices, or amendments to existing sealed source and device evaluations are assessed fees based on full cost of review. Fees for licensee-amendment renewals, renewals of existing sealed sources and devices, renewals of existing sealed sources and devices and amendments to existing sealed sources and devices which are to be based on the full Full cost of review fees are will be calculated based on the following:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY AMENDMENTS

- a) The time required by Departmental professional staff to conduct the review, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section. of 990-00-per-hour
- b) The time required by Departmental professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section. ~~449-00-per-hour~~
- c) For licenses authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 310.20) the Department's cost for decontamination activities, including but not limited to contaminated with byproduct material, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section. ~~449-00-per-hour~~
- d) The cost of standard lab equipment and supplies, special environmental monitoring equipment and servicing of such equipment. ~~7-and~~
- e) The contractual support service costs, if any, incurred by the Department in conjunction with the review, inspections and confirmatory environmental monitoring activities.
- AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Department and laboratory fees charged to the Department.
- f) The full cost of review fees will be:
- 1) \$10.00 for licenses with material use category 106A, Source Material and Byproduct Material.
 - 2) \$90.00 for licenses with material use category 106B, Source Material that requires a specific radioactive material license.
 - 3) \$90.00 for licenses with material use category 107, Radioactive Waste;
 - 4) \$90.00 for licenses with material use category 109, Decontamination facilities; and
 - 5) \$90.00 for evaluation of sealed sources and devices.

(Source: Emergency amendment adopted at 21 Ill. Reg. 4300, effective March 19, 1997, for a maximum of 150 days)

POLLUTION CONTROL BOARD
NOTICE OF EMERGENCY RULES

1) Heading of the Part: Livestock Waste Regulations

2) Code Citation: 35 Ill. Adm. Code 505

3) Section Numbers: Proposed Action:

505.101 New Section
505.102 New Section
505.103 New Section
505.104 New Section
505.201 New Section
505.202 New Section
505.203 New Section
505.204 New Section
505.205 New Section
505.206 New Section
505.207 New Section
505.208 New Section
505.301 New Section
505.302 New Section
505.303 New Section
505.304 New Section
505.305 New Section
505.306 New Section
505.307 New Section
505.308 New Section
505.309 New Section
505.310 New Section
505.311 New Section
505.312 New Section
505.401 New Section
505.402 New Section
505.403 New Section
505.404 New Section
505.405 New Section

4) Statutory Authority: 415 ILCS 5/27(c), 510 ILCS 77 and P.A. 89-714, effective February 21, 1997

5) If this emergency rule (amendment, repeal) is to expire before the end of the 150-day period, please specify the date on which it is to expire: The date on which the permanent rule is filed as final with the Secretary of State.

6) Effective date of rule: March 31, 1997

7) Date Filed in Agency's Principal Office: March 20, 1997

8) Reason for Emergency: With the influx of construction of larger livestock

POLLUTION CONTROL BOARD
NOTICE OF EMERGENCY RULES

management facilities without specification for their design, Illinois' groundwater is at risk. We recognize that the risk is not to the groundwater alone, but to the public at large, to the neighbors of the facilities, and to the livestock producers themselves, who risk environmental liability for any pollution caused. While there are no guarantees against pollution and liability, the Board believes that the adoption of these emergency rules is a major step forward to the benefit of all citizens of Illinois. Without such new design standards to maintain the structural integrity of these facilities, the groundwater in Illinois is placed at substantial risk. The pollution caused by these facilities could result in public water supply contamination, as well as the devaluation of a State resource. Because the design standards of the LMPACT are not effective until the Board adopts rules for the implementation of the LMPACT, the immediate adoption of specific regulations tailored to the design of facilities with a large concentration of animals is necessary to ensure the protection of our valuable natural resources, specifically Illinois' groundwater. The protection of Illinois' groundwater is of paramount concern in this State. The legislative floor debates concerning the LMPACT recognize this concern and, as the LMPACT states, "livestock waste lagoons must be constructed according to standards to maintain structural integrity and to protect groundwater." (510 ILCS 77/2.5(a)(1)). The Illinois Department of Land and Water Conservation Protection Act (IGPACT) [15 ILCS 55] also illustrates the Legislature's concern for the protection of the State's groundwater. The enactment of the IGPACT is an outgrowth of the long-standing concern by the General Assembly and Illinois citizens that the State's rich and valued groundwater resources be protected. The IGPACT is a multi-faceted policy and program statement explicitly designed to provide protection for the groundwater and to assure the continued viability of Illinois groundwater resources. As the result of Illinois' policy for the protection of its groundwater and the fact that inadequately constructed and operated livestock waste management facilities place the groundwater at risk, it is necessary to adopt standards for the construction of these facilities to ensure the protection of the State's groundwater. Construction and operation of large livestock management facilities without specifically required and enforceable design standards constitutes "a threat to public interest, safety or welfare" to the citizens of Illinois.

A Complete Description of the Subjects and Issues Involved: A more complete description may be found in the Board's opinion and order of October 29, 1996 and March 20, 1997 in this docket R97-14. These rules apply to livestock management facilities designed for 300 animal units or more. All livestock waste lagoons, which are newly constructed or modified and not in service until after the effective date of these emergency rules, at facilities designed for 300 animal units or more, must be registered with the Department of Agriculture. The rules also require the registration of existing facilities that do not meet the design standards and must be brought into compliance with specific design standards in order to protect Illinois groundwater resources. Specifically, the

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

NOTICE OF EMERGENCY RULES

(312) 814-4925

owner or operator of a livestock waste lagoon, under the supervision of a licensed professional engineer, must drill at least one soil boring on the proposed site of the lagoon to determine the soil and groundwater characteristics. Where aquifer material such as sand is found within 20 feet of the bottom of the proposed lagoon, both groundwater monitoring and a liner is required. Where aquifer material is found between 20 and 50 feet from the bottom of the lagoon, a liner is generally required. Neither groundwater monitoring nor a liner is required if the aquifer material is more than 50 feet from the bottom of the lagoon, unless required by the Department of Agriculture based upon other factors. The specification of the liner must be conducted under the supervision of a licensed professional engineer who shall certify that the liner meets all applicable requirements. Where groundwater monitoring is required, procedures for quarterly groundwater monitoring are specified in the rule, including specific chemical and bacteriological tests. Specific requirements in a livestock management facility's waste management plan are set forth to assure the facility is operated in a way to protect the environment. These plans are required for facilities designed for 1000 or more animal units. A certification procedure is set forth to allow the Department of Agriculture to begin certifying livestock managers at facilities designed for 300 or more animal units.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statutory Policy Objectives: These amendments affect livestock management facilities and do not create or enlarge a State Mandate as defined in Section 3(b) of the State Mandates Act.

12) Information and questions regarding this rule (amendment, repealer) shall be directed to: Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address below. Please refer to the Docket number R94-17.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
(312) 814-6931

Questions concerning this rulemaking may be directed to:

Marie E. Tipford
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

The full text of the Emergency Rules begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 505

LIVESTOCK WASTE REGULATIONS

SUBPART A: GENERAL PROVISIONS

Section
505.101
505.102
505.103
505.104

Applicability
Severability
Definitions
Incorporations by Reference

SUBPART B: STANDARDS FOR LIVESTOCK WASTE LAGOONS

Section
505.201
505.202
505.203
505.204
505.205
505.206
505.207
505.208

Applicability
Site Investigation
Registration
Lagoon Design Standards
Liner Standards
Groundwater Monitoring
Certification of Construction
Failure to Register or Construct in Accordance with Standards

SUBPART C: WASTE MANAGEMENT PLANS

Section
505.301
505.302
505.303
505.304
505.305
505.306
505.307
505.308
505.309
505.310
505.311
505.312

Purpose
Scope and Applicability
Waste Management Plan Contents
Livestock Waste Volumes
Nutrient Content of Livestock Waste
Adjustments to Nitrogen Availability
Optimum Crop Yields
Crop Nutrient Requirements
Nitrogen Credits
Records of Waste Disposal
Approval of Waste Management Plans
Penalties

SUBPART D: CERTIFIED LIVESTOCK MANAGER

Section
505.401

Applicability

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

505.402 Training Sessions
505.403 Examinations
505.404 Methods of Certification
505.405 Training Materials and Training Fees

AUTHORITY: Authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27] and implementing the Livestock Management Facilities Act [510 ILCS 7/1].

SOURCE: Emergency rules adopted in R97-14 at 20 Ill. Reg. 14903, effective October 31, 1996; emergency rules re-adopted at 21 Ill. Reg. 4813, effective February 21, 1997. 14903 pursuant to P.A. 89-714, effective February 21, 1997.

NOTE: In this Part, superscript numbers or letters are denoted by parenthesis; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 505.101 Applicability

This Subpart shall apply to 35 Ill. Adm. Code 505. The applicability of Subpart B, Standards for Livestock Waste Lagoons, is set forth in Section 505.201 of this Part. The applicability of Subpart C, Waste Management Plans, is set forth at Section 505.302 of this Part. The applicability of Subpart D, Certified Livestock Manager, is set forth at Section 505.401 of this Part.

Section 505.102 Severability

If any provision of this Part or its application to any person or under any other circumstances is adjudged invalid, such adjudication does not affect the validity of this Part as a whole or of any portion not adjudged invalid.

Section 505.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5] or the Livestock Management Facilities Act [510 ILCS 77]. For the purposes of this Part, the terms included herein shall have their associated meaning as follows:

"Agency" means the Illinois Environmental Protection Agency.

"Animal feeding operation" means a feeding operation as defined in the Illinois Environmental Protection Act and the rules promulgated under that Act concerning agriculture related pollution.

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

"Animal Unit" means a unit of measurement for any animal feeding operation calculated as follows:

- 1) Brood cows and slaughter and feeder cattle multiplied by 1.0.
- 2) Milking dairy cows multiplied by 1.4.
- 3) Young dairy stock multiplied by 0.6.
- 4) Swine weighing under 55 pounds multiplied by 0.4.
- 5) Swine weighing under 55 pounds multiplied by 0.03.
- 6) Sheep, lambs, or goats multiplied by 0.1.
- 7) Horses multiplied by 2.0.
- 8) Turkeys multiplied by 0.02.
- 9) Laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering).
- 10) Laying hens or broilers multiplied by 0.03 (if the facility has a liquid manure treatment system).
- 11) Ducks multiplied by 0.02. [510 ILCS 77/10.10]

"Aquifer material" means carbonate or sandstone bedrock of any thickness or sand or sand and gravel, as defined herein, such that there is at least two feet or more present within any five foot section of a soil boring performed in accordance with Section 505.202 of this Part.

"Certified Livestock Manager" means a person that has been duly certified by the Department as an operator of a livestock waste handling facility. [510 ILCS 77/10.15]

"Department" means the Illinois Department of Agriculture. [510 ILCS 77/10.20]

"Farm residence" means any residence on a farm owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers. For purposes of this definition, a "farm" is the land, buildings, and machinery used in the commercial production of farm products, and "farm products" are those plants and animals and their products which are produced or raised for commercial purposes and include but are not limited to forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur. [510 ILCS 77/10.23]

"Lagoon" or "earthen livestock waste lagoon" means any excavated, diked, or wall-constructed area designed for the storage of livestock biological waste stabilization products or slurry. A lagoon does not include structures such as manufactured slurry storage structures or pits under buildings as defined in rules under the

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

Environmental Protection Act concerning agriculture related pollution. [510 ILCS 77/10.25]

"Licensed professional engineer" means a person, corporation or partnership licensed under the laws of the State of Illinois to practice professional engineering. [415 ILCS 5/57.2]

"Livestock management facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milking-handling area. Two or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of 1/4 mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock management facility at educational institutions, livestock breeding operations, where animals are housed on a temporary basis such as county fairs, livestock shows, race tracks, and horse breeding facilities, shall be considered a livestock management facility subject to the Livestock Management Facility Act or the requirements of this Part. [510 ILCS 77/10.30]

"Livestock waste" means livestock excreta and associated losses, bedding, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto any animal feeding operation, and other materials polluted by livestock. [510 ILCS 77/10.35]

"Livestock waste handling facility" means individually or collectively those immovable constructions or devices, except sewers, used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock waste handling facilities under common ownership where the facilities are separated by a minimum distance of 1/4 mile shall be considered a single livestock waste handling facility. [510 ILCS 77/10.40]

"Modified" means structural changes to a lagoon that increase its volumetric capacity. [510 ILCS 77/10.43]

"New facility" means a livestock management facility or a livestock waste handling facility the construction or expansion of which is commenced on or after the effective date of the Livestock Management Facility Act. Expanding a facility where the fixed capital cost of the new components constructed within a 2-year period does not exceed 50% of the fixed capital cost of a comparable entirely new facility shall not be deemed a new facility as used in the Livestock Management Facility Act. [510 ILCS 77/10.45]

"Non-farm residence" means any residence which is not a farm

POLLUTION CONTROL BOARD
NOTICE OF EMERGENCY RULES

residence. [510 ILCS 77/10.47]

"Owner or operator" means any person who owns, leases, controls, or supervises a livestock management facility or livestock waste-handling facility. [510 ILCS 77/10.50]

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other entity, or any of their legal representative, agent, or assigns. [510 ILCS 77/10.55]

"Placed in service" means the placement of livestock waste in a livestock waste lagoon upon the completion of construction or modification in accordance with the requirements of this Part.

"Populated area" means any area where at least 10 inhabited non-farm residences are located or where at least 50 persons frequent a common place of assembly or a non-farm business at least once per week. [510 ILCS 77/10.60]

"Sand" means unconsolidated materials where 70% or more of the particles are of size 0.05 millimeter to 2.00 millimeters, which according to USDA soil texture classification scheme includes soil textures of sand, and loamy sand, and portions of sandy loam and sandy clay loam textures.

"Sand and gravel" means unconsolidated materials that contain a matrix (particles of 2mm or less) that is consistent with the above definition of "sand" and particles larger than two millimeters in size.

Section 505.104 Incorporations by Reference

- a) The Board incorporates the following materials by reference:
 - 1) ASAE, American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085-9659 (616) 429-5585, "Design of Anaerobic Lagoons for Animal Waste Management", ASAE Standards 1992, ASAE EP403.1, 1992, pp. 498-500.
 - 2) WFRS, Midwest Plan Service, Iowa State University, Ames, Iowa 50011-1080 (515) 294-4337, "Livestock Waste Facilities Handbook", WFRS-18, 3rd Edition, 1993.
 - 3) USDA-NRCS, United States Department of Agriculture - Natural Resources Conservation Service, 1902 Fox Drive, Champaign, IL 61820, "Waste Treatment Lagoon", Illinois Field Office Technical Guide, Section IV, 11/3/97, 5p.
 - 4) Office of Agricultural Communications and Education, 67X Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801 (217) 333-2007,

POLLUTION CONTROL BOARD
NOTICE OF EMERGENCY RULES

"Illinois Agronomy Handbook 1995-1996", Circular 1333, 1994, 201 p.

b) This Section incorporates no later amendments or editions.

SUBPART B: STANDARDS FOR LIVESTOCK WASTE LAGOONS

Section 505.201 Applicability

a) This Subpart applies to any lagoon that:

- 1) design is indicated on a livestock management facility that has a maximum design capacity of 3000 animal units or more; and
 - 2) is new or modified and has not been placed in service as of the effective date of this Part.
- b) For the purposes of this Subpart, the number of animal units at a livestock management facility is the one-time maximum design capacity of that livestock management facility.

Section 505.202 Site Investigation

- a) The owner or operator of a livestock waste lagoon shall conduct a site investigation in accordance with the requirements of this Section to determine whether aquifer material is present (or not present) within 50 feet of the planned bottom of the lagoon. The investigation shall be conducted by the owner or operator shall, at a minimum, perform one or more soil borings to determine the presence of aquifer material as follows:
 - 1) The soil boring shall extend to a depth that includes 50 feet from the bottom of lagoon native soil or to bedrock;
 - 2) If bedrock is encountered, additional soil borings may be necessary to verify the presence of aquifer material; and
 - 3) Soil borings shall be continuous to ensure that no gaps appear in the sample column.

c) The owner or operator of the earthen livestock lagoon may, with approval from the Department, modify or exceed these standards in order to meet specific objectives. 510 ILCS 77/10.5(a)
d) The site investigation shall be conducted under the direction of a Licensed Professional Engineer. Upon completion of site investigation, the supervising Licensed Professional Engineer shall certify that the site investigation meets all the applicable requirements of this Section, and whether aquifer material is present (or not present) within 50 feet of the planned bottom of the lagoon in accordance with Section 505.203 of this Part.

Section 505.203 Registration

- a) Prior to new construction or modification of any earthen livestock waste lagoon after the effective date of this Part, such earthen livestock waste lagoon shall be registered by the owner or operator with the Department on a form provided by the Department in accordance

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

with the requirements of this Section. Lagoons constructed prior to the effective date of this Part may register with the Department at no charge. [510 ILCS 77/15(b)]

- b) The registration form, accompanied by a \$50 fee, shall include the following:

- 1) Name(s) and address(es) of the owner and operator who are responsible for the livestock waste lagoon;
 - 2) General location of the lagoon;
 - 3) Design construction plans and specifications;
 - 4) Specific location information (noted on an official site map);
 - 5) The nearest public water supply well;
 - 6) Distance to the nearest occupied public residence (other than any occupied by the owner or operator);
 - 7) Distance to the nearest stream; and
 - 8) Anticipated beginning and ending dates of lagoon construction;
 - 9) Type of livestock and number of animal units;
 - 10) A certification by the supervising Licensed Professional Engineer, accompanied by supporting justification and data, certifying that the site investigation meets all the applicable requirements of Section 505.202 of this Part, whether aquifer material is present (or not present) within 50 feet of the planned bottom of the lagoon; and
 - 11) Where applicable, a copy of the synthetic liner manufacturer's statement and liner maintenance guidelines. [510 ILCS 77/15(b)]
- c) The Department upon receipt of livestock waste lagoon registration form shall review the form to determine that all required information has been provided. The person filing the registration shall be notified within 15 working days that registration is complete or that clarification information is needed. No later than 10 working days after the receipt of the clarification information, the Department shall notify the owner or operator that registration is complete. [510 ILCS 77/15(b)]

Section 505.204 Lagoon Design Standards

- a) The owner or operator of any livestock waste lagoon subject to this part shall construct or modify the lagoon in accordance with [510 ILCS 77/15(b)]:
- 1) Design of anaerobic lagoons for animal waste management" ASAE Engineering Practice 403.1; or the guidelines published by the United States Department of Agriculture's Natural Resource Conservation Service titled "Waste Treatment Lagoon", which are incorporated by reference in 35 Ill. Adm. Code 505-1.04 [510 ILCS 77/15(a)]; and
 - 2) The additional design standards specified in subsections (c) through (g) of this Section.

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

- b) The Department may require changes in design or additional requirements to protect groundwater, such as extra line depth or synthetic liners, when it appears groundwater could be impacted. [510 ILCS 77/15(a)]

- c) The owner or operator shall conduct site investigation in accordance with Section 505.202 of this Part to determine if aquifer material is present (or not present) within 50 feet of the planned bottom of the lagoon.

- d) The owner or operator shall, as a part of the lagoon design, include the design of a liner and implement groundwater monitoring in accordance with following:

- 1) If the uppermost aquifer material is located above or within 20 feet of the lowest point of the planned lagoon bottom (as measured from the top of any proposed liner), then the lagoon design shall include both a liner and groundwater monitoring.
- 2) If the uppermost aquifer material is located between 20 to 50 feet from the lowest point of the planned lagoon (as measured from the top of any proposed liner), then the lagoon design shall include a liner, but no groundwater monitoring is required.
- 3) If no aquifer material is located within 50 feet from the lowest point of the planned lagoon (as measured from the top of any proposed liner), then the lagoon design shall require neither a liner nor groundwater monitoring.
- 4) If the owner or operator determines that a liner is required for the lagoon pursuant to this section, the design of the lagoon shall include in-situ soil liner, a borrowed clay, clay/bentonite mixture or a synthetic liner meeting the requirements of Section 505.205 of this Part.
- 5) If the owner or operator determines that groundwater monitoring is required for the lagoon pursuant to this Section, the design of lagoon shall include the implementation of a groundwater monitoring program in accordance with Section 505.206 of this Part.
- 6) Any livestock waste lagoon subject shall meet or exceed the following:
 - 1) Earthen walls shall have side slopes not to exceed a 3 to 1 ratio of horizontal to vertical;
 - 2) The total capacity of any newly constructed lagoon shall be sufficient to store the waste generated by the facility for no less than 270 days; to precipitation shall have sufficient freeboard capacity to contain 25 years' 24 hour storm, but in no case shall there be less than a 2 feet freeboard capacity;
 - 3) Subsurface drainage lines in the immediate area of the livestock waste lagoon shall be removed or relocated to provide for a minimum separation distance of not less than 50 feet between the outermost extent of the lagoon and the subsurface drainage line.

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

Section 505.205 Liner Standards

- a) The owner or operator of any livestock waste lagoon required to have a liner, constructed from in-situ soils, borrowed clay or a synthetic liner, shall comply with the requirements of Section 505.204(c) of this Part shall comply with the requirements of this Section.
- b) A liner constructed using in-situ soil or borrowed clay or clay/bentonite mixtures shall meet the following standards:
- 1) The minimum liner thickness shall be 2 feet;
 - 2) The liner shall be constructed in lifts not to exceed 6 inches in thickness;
 - 3) The liner shall be compacted to achieve a hydraulic conductivity equal to or less than 1×10^{-7} centimeters/second; and
 - 4) The construction and compaction of the liner shall be carried out to reduce void spaces and allow the liner to support the loadings imposed by the waste disposal operation without settling.
- c) Any synthetic liner used in the construction of a livestock waste lagoon shall meet the following standards:
- 1) The liner shall be designed to perform equivalent to or better than a liner that conforms to subsection (b) above;
 - 2) The liner manufacturer shall provide to the owner or operator the liner maintenance guidelines and shall certify that the liner is chemically compatible with:
 - A) The livestock waste being stored; and
 - B) The supporting soil materials.
 - 3) The liner shall be supported by a compacted base free from sharp objects;
 - 4) The liner shall have sufficient strength and durability to function at the site for the design period under the maximum expected loadings imposed by the waste and equipment and stresses imposed by settlement, temperature, construction and operation;
 - 5) The liner seams shall be made in the field according to the manufacturer's specifications. All sections shall be arranged so that the use of field seams is minimized and seams are oriented in the direction subject to the least amount of stress; and
 - 6) The owner or operator shall maintain a copy of the manufacturer's compatibility statement and liner installation and maintenance guidelines at the facility of the liner in accordance with this Section.
- d) The construction of the liner shall be conducted under the direction of a Licensed Professional Engineer. Upon completion of construction or installation of the liner, the supervising Licensed Professional Engineer shall certify that the liner meets all the applicable requirements of this Section. Such certification shall include all supporting justification and data.

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

Section 505.206 Groundwater Monitoring

- e) The owner or operator of a livestock waste lagoon shall submit to the Department a copy of the Licensed Professional Engineer's Certification prior to placing the lagoon in service in accordance with Section 505.207 of this Part.
- f) The owner or operator of any livestock waste lagoon required to implement groundwater monitoring pursuant to Section 505.204(c) of this Part shall implement a monitoring program which meets the requirements of this Section.
- g) The groundwater monitoring network shall consist of a minimum of three monitoring wells located on the basis of local groundwater conditions with at least two wells downgradient of the lagoon.
- h) The monitoring wells shall be installed in accordance with the following:
- 1) The requirements of Illinois Water Well Construction Code at 77 Ill. Adm. Code 920.1707;
 - 2) The top of the well screen shall be set below the seasonal low water table;
 - 3) Monitoring wells shall utilize a five foot screened interval; and
 - 4) The screen shall be set in a sand pack of no less than five feet and no greater than seven feet.
- i) Monitoring wells shall be sampled once prior to placing the lagoon in service and quarterly thereafter. The samples shall be analyzed for nitrate-nitrogen, phosphate-phosphorus, chloride, organic carbon, sulfate, ammonia-nitrogen, Escherichia coli, and fecal coliform or fecal strep. Analytical results shall be submitted to the Department within 30 days of receipt and shall include a discussion relative to the significance of the results.
- j) Section 505.207 Certification of Construction
- k) The Department shall inspect an earthen livestock waste lagoon at least once during the pre-construction, construction, or post-construction phase and shall require modifications when necessary to ensure the project will be in compliance with the requirements of this Part. (510 ICS 77/15(b))
- l) Upon completion of construction or installation of a liner, the supervising Licensed Professional Engineer shall certify that the liner meets all the applicable requirements of Section 505.205 of this Part. Such certification shall be submitted to the Department prior to placing the lagoon in service and include supporting data and affidavits.
- m) Upon completion of the construction or modification but before placing the lagoon in service, the owner or operator shall certify to the Department on a form provided by the Department that the lagoon has been constructed or modified in accordance with the requirements of

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

this Part and that the information provided during the registration process is correct. The certification notice to the Department shall include a certification statement as required under Section 15(b)(2) of the Livestock Management Facilities Act [510 ILCS 77] and the signature of the owner or operator.

- d) The owner or operator of the lagoon may proceed to place the lagoon in service no earlier than 10 working days after submitting to the Department a certification of compliance statement. [510 ILCS 77/15(b)]

Section 505.208 Failure to Register or Construct in Accordance with Standards

The owner or operator of any earthen livestock waste lagoon subject to the standards set forth in this Part shall be considered in accordance with the standards set forth in this Part upon being identified as such by the Department, be given written notice by the Department to register within 10 working days of receipt of this notice. The Department may inspect such lagoon and require compliance in accordance with this Part. If the owner or operator of the livestock waste lagoon that is subject to registration fails to comply with the notice, the Department may issue a cease and desist order until such time as compliance is obtained with the requirements of this Part. Failure to construct the lagoon in accordance with the requirements of this Part and Department recommendations is a business offense punishable by a fine of not more than \$5,000. [510 ILCS 77/15(f)]

SUBPART C: WASTE MANAGEMENT PLAN

Section 505.301 Purpose

Livestock waste management plans shall be prepared by livestock management facility owners or operators to provide for adequate land area for the proper application of livestock waste at agronomic crop nitrogen usage rates.

Section 505.302 Scope and Applicability

- a) The owner or operator of a livestock management facility with less than 1,000 animal units shall not be required to prepare and maintain a waste management plan.

- b) The owner or operator of a livestock management facility with 1,000 or greater but less than 7,000 animal units shall comply with the following:

- 1) For facilities in existence as of the effective date of this Part, the owner or operator shall prepare and maintain a waste management plan within 60 working days after the effective date of this Part;
- 2) For facilities which commence operations after the effective date of this Part, the owner or operator shall prepare and maintain a waste management plan within 60 working days of commencing

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

operations:

3) For facilities that reach or exceed 1,000 animal units through expansion, the owner or operator shall prepare and maintain a waste management plan within 60 working days after reaching or exceeding 1,000 animal units;

- 4) Prior to the end of the time period in subsections 505.302(b)(1) through (b)(3) above the owner or operator shall submit to the Department a form certifying that a livestock waste management plan has been prepared. The form shall also list the location of the plan; and

- 5) The livestock waste management plan and records of waste disposal pursuant to Section 505.310 of this Part shall be kept on file at the facility and be made available for inspection by Department personnel during normal business hours.

- c) The owner or operator of a livestock management facility with 7,000 or greater animal units shall comply with the following:

- 1) For facilities in existence as of the effective date of this Part, the owner or operator shall submit to the Department a waste management plan within 60 working days after the effective date of this Part for approval by the Department;

- 2) For facilities which commence operations after the effective date of this Part, the owner or operator shall submit a waste management plan to the Department. The facility shall not commence operation before the Department approves the plan;

- 3) For facilities that reach or exceed 7,000 animal units through expansion, the owner or operator shall submit to the Department a waste management plan within 60 working days after reaching or exceeding 7,000 animal units for approval by the Department; and

- 4) Records of livestock waste disposal pursuant to Section 505.310 of this Part shall be kept on file at the facility for three years and shall be available for inspection by Department personnel during normal business hours.

- d) For the purposes of this Subpart the number of animal units at a livestock management facility is the one-time maximum design capacity of that livestock management facility.

- e) A separate waste management plan shall be developed for each livestock waste handling facility and each separate type of livestock waste storage structure or system. Waste from different types of storage structures may be applied to the same land provided that the maximum nitrogen application rate to obtain optimum crop yields is not exceeded.

- f) Notwithstanding the above provisions, a livestock management facility may submit to the Department a waste management plan on an interim basis but not to exceed 6 months after the effective date of these rules to allow for the owner or operator of the facility to develop a waste management plan.

Section 505.303 Waste Management Plan Contents

POLLUTION CONTROL BOARD
NOTICE OF EMERGENCY RULES

The Livestock Waste Management Plan shall contain the following items:

- a) Name, address, and phone number of the owner(s) of the livestock facility;
- b) Name, address, and phone number of the manager or operator if different than the owner(s);
- c) Address, phone number, and plat location of the facility, and directions from nearest post office;
- d) Type of waste storage for the facility;
- e) Species, general size, and number of animals at the facility;
- f) Aerial photos and maps outlining fields available and intended for livestock waste applications with available acreage listed and with references to streams, rivers, waterways, lakes, ponds, rivers, drainage ditches and other water bodies;
- g) For application fields not owned or rented, copies of waste application agreements between the owner or operator of the livestock facility and the owner of the land where livestock waste will be applied;
- h) An estimate of the volume of livestock waste to be disposed of annually;
- i) Cropping schedule for each field for the past year, the current year, and the next two years after the current year;
- j) Optimum crop yields for each crop in each field, verified by yield history, if available;
- k) Livestock waste application methods;
- l) Livestock waste application methods;
- m) Calculations showing the following:
 - 1) Amount of available livestock waste to be applied to growing crops;
 - 2) Amount of nutrients available for application;
 - 3) Nitrogen losses due to type of waste storage and method of application;
 - 4) Amount of plant-available nitrogen including mineralization of organic nitrogen;
 - 5) Amount of nutrients required by each crop in each field based on optimum crop yields;
 - 6) Nitrogen credits from previous crops and from any manure applications during the previous three years for each application field;
 - 7) Livestock waste application rate based on nitrogen for each application field; and
 - 8) Land area required for application;
- n) A listing of fields and the planned livestock waste application amounts for each field;
- o) A provision that livestock waste applied within 1/4 mile of any residence not part of the facility shall be injected or incorporated on the day of application. However, livestock management facilities and livestock waste handling facilities that have irrigation systems in operation prior to May 21, 1996, or existing facilities applying

POLLUTION CONTROL BOARD
NOTICE OF EMERGENCY RULES

- p) A provision that livestock waste may not be applied within 200 feet of any residence or other structure containing diluted livestock waste, and waste will not be applied within 150 feet of potable water supply wells;
- q) A provision that livestock waste may not be applied in a 10-year flood plain unless the injection or incorporation method of application is used;
- r) A provision that livestock waste may not be applied in waterways, however livestock waste may be applied in grassed waterways with irrigation systems if the slope of the land is less than 5%, the distance to surface water is greater than 200 feet, the distance to potable water is greater than 150 feet, and precipitation is not expected within 24 hours; and
- s) A provision that livestock waste will be limited to land areas on which:
 - 1) Land slopes are 5% or less; or less; or
 - 2) Adequate erosion control practices exist.

Section 505.304 Livestock Waste Volumes

Information for determining the amount of livestock waste available to be applied as required in Section 505.303(m)(1) of this Part shall be obtained as follows:

- a) For lagoons, or other structures containing diluted livestock waste, the facility owner or operator shall determine the volume for disposal by weighing the waste. An explanation of the method used to determine the volume for disposal shall be provided by the owner or operator and included in the plan.
- b) For storage tanks or other holding structures containing undiluted livestock waste, site specific measurements of volume are preferred. In lieu of actual measurements, values from Table 2-1, MPFS-18, Livestock Waste Facilities Handbook, p. 2.1 may be used.

Section 505.305 Nutrient Content of Livestock Waste

Values of nutrient content in livestock waste, as required in Section 505.303(m)(2) of this Part, may be obtained from Tables 2-1, 2-2, 10-6, or 10-7, Livestock Waste Facilities Handbook, pp. 2, 10, 10, or 10, or from the rulemaking record of the application of waste to the livestock facility. Laboratory analysis results shall be included in the waste management plan if the data is used for determining the nutrient content.

Section 505.306 Adjustments to Nitrogen Availability

- a) For Section 505.303(m)(3) of this Part, correction factors for nutrient loss from livestock waste due to type of handling and storage

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

shall be obtained from Table 10-1, MWPS-18, Livestock Waste Facilities Handbook, p. 10-2. If nutrient content is obtained from Tables 2 or 2-2, MWPS-18, Livestock Waste Facilities Handbook, pp. 2-1, 2-2, and 2-3, the nutrient content shall be used.

b) For Section 505.303(m)(3) of this Part, correction factors for nitrogen loss from livestock waste due to method of application to the land shall be obtained from Table 10-2, MWPS-18, Livestock Waste Facilities Handbook, p. 10-2.

c) For Section 505.303(m)(4) of this Part, factors for calculating available nitrogen from organic nitrogen in livestock waste shall be obtained from Table 10-5, MWPS-18, Livestock Waste Facilities Handbook, p. 10-4.

Section 505.307 Optimum Crop Yields

The optimum crop yield goal, as required in Section 505.303(m)(5) of this Part, shall be determined for each field and shall be based on the following methods:

- Proven yields. Yield records shall be submitted for the past five years with a description of how the yield was proven. Data from years with crop disasters may be discarded. A minimum of three years data shall be submitted.
- Crop insurance yields. A copy of the determined yield shall be submitted.
- Farm Service Agency yields. A copy of the determined crop yield shall be submitted.
- Soils based yield data from the Natural Resources Conservation Service. A soil map of the application areas shall be submitted. The optimum crop yield shall be determined by a weighted average of the soil interpretation yield records for the areas that will receive livestock waste.

Section 505.308 Crop Nutrient Requirements

For Section 505.303(m)(5) of this Part, values for nutrients required for various crops in Illinois shall be obtained from Tables 11-12, 11-13 and 11-14, Circular 1333, Illinois Agronomy Handbook 1995-1996, pp. 82, 83 or from recommendations of the University of Illinois Cooperative Extension Service for crops not listed. For corn and grain, the nitrogen rate shall be 1.22 to 1.32 pounds per bushel of optimum yield. Nitrogen may be applied to soybeans at the same rate as if corn was being grown.

Section 505.309 Nitrogen Credits

- For Section 505.303(m)(6) of this Part, nitrogen credits from previous crops shall be obtained from Table 11-14, Circular 1333, Illinois Agronomy Handbook 1995-1996, p. 83. Nitrogen credits from previously applied livestock waste (manure) shall not be taken from Table 11-14,

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

but shall be obtained according to Section 505.309(b) of this Part. Nitrogen credits shall be calculated for the mineralized organic nitrogen in livestock waste applied during the previous three years at 15, 50, 150, 250, 350, 450, and 12.5%, respectively, of that mineralized during the first year.

Section 505.310 Records of Waste Disposal

Records of the livestock waste disposal shall include the following items:

- Date of livestock waste application;
- Field identification;
- Method of application;
- Livestock waste application rate;
- Number of acres receiving waste; and
- Amount of livestock waste applied.

Section 505.311 Approval of Waste Management Plans

a) Department approval of livestock waste management plans shall be based on the following criteria:

- Livestock waste application rates of nitrogen based on crop usage for optimum yields;
- Demonstration of adequate land area for waste application based on Section 505.303 of this Part; and
- Completeness and accuracy of plan contents as specified in Section 505.303 of this Part.

b) The owner or operator of the livestock management facility shall be notified by the Department within 30 working days of receipt of the livestock waste management plan that the plan has been approved or that further information or changes are needed. The owner or operator shall provide the information or changes within 30 working days.

Section 505.312 Penalties

- Any person who is required to prepare and maintain a waste management plan and who fails to do so shall be issued a warning letter by the Department for the first violation and shall be given 30 working days to prepare a waste management plan. For failure to prepare and maintain a waste management plan, the person shall be fined an administrative penalty of up to \$500 by the Department and shall be required to enter into an agreement of compliance to prepare and maintain a waste management plan within 30 working days. For failure to prepare and maintain a waste management plan after the second 30 day period or for failure to enter into a compliance agreement, the Department may issue an operational cease and desist order until compliance is attained.
- Warning letters shall be sent via certified mail. The time period for a response by the livestock management facility owner or operator

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

- shall begin upon receipt of the warning letter.
- c) A waste management plan prepared pursuant to a warning letter or other action taken by the Department shall be approved by the Department according to Section 505.311 of this Part.
 - d) Penalties shall not be imposed for excessive nitrogen application for unplanned cropping changes due to the weather or other unforeseeable circumstances.

SUBPART D: CERTIFIED LIVESTOCK MANAGER

Section 505.401 Applicability

- a) A livestock waste handling facility serving 300 or greater animal units shall be operated only under the supervision of a certified livestock manager. The manager shall be trained and certified in demonstrating an understanding of and competence for the operation of livestock waste handling facilities as established in Section 30 of the Livestock Management Facilities Act [510 ILCS 77] and further described in this Part. Livestock Managers shall establish or re-establish certification when required to do so in accordance with Section 30 of the Livestock Management Facilities Act [510 ILCS 77].
- b) For the purposes of this Subpart the number of animal units at a livestock management facility is the one-time maximum design capacity of that livestock management facility.

Section 505.402 Training Sessions

- a) A training session intended to assist livestock managers in meeting the requirements of certification shall be a minimum of three (3) hours duration and must address all general competency standards as established in Section 30 of the Livestock Management Facilities Act [510 ILCS 77].
- b) Training sessions offered by organizations other than the Department shall first be approved by the Department to be a valid method of certification for livestock managers under Section 30(d) of the Livestock Management Facilities Act [510 ILCS 77].
 - 1) Requests for training session approval shall be made in writing to the Department prior to their offering. Such requests shall include the topics to be covered, the contact time periods associated with each topic, the number of attendees, and the materials to be utilized in the proposed training program.
 - 2) The Department shall review the request and associated materials for compliance with the requirements included at Section 30(b) of the Livestock Management Facilities Act [510 ILCS 77] and provide notification in writing to the organization whether the request is approved or denied.
 - 3) An attendance list shall be maintained by the sponsoring organization at all approved training sessions. Upon completion

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY RULES

of an approved session, the sponsoring organization shall forward a copy of the attendance sheet to the Department.

Section 505.403 Examinations

- a) The closed book examination will consist of 100 questions pertinent to general competency standards (see Section 30(b) of the Livestock Management Facilities Act [510 ILCS 77]) for which a correct answer is to be selected for each question from multiple choice answers.
- b) A person may only make two attempts to successfully complete a written competency examination in any one normal work day. The examination can only be taken a maximum of three (3) times within any 6 month period.

Section 505.404 Methods of Certification

Livestock Manager certification will be granted or denied by the Department after compliance is established with Section 30(d)(1) or (2) of the Livestock Management Facilities Act [510 ILCS 77] and upon receipt of the prescribed certification fee:

- a) If the method of compliance establishment includes a written examination, a minimum of 70% of the answers must be correct for certification to be granted;
- b) If the method of compliance establishment is attendance at a training session, the session must have been pre-approved by the Department and the applicant's name must appear on the attendance list; and
- c) In addition, all information requested on the examination application must be provided for certification to be granted.

Section 505.405 Training Materials and Training Fees

- a) Forms and training materials for livestock manager certification will be available at the local level at the Department's direction and at Department offices.
- b) The Department may charge fees for the supply of training materials and training sessions provided by the Department on a cost reimbursement basis. Such cost reimbursement may include meeting room rental, material purchase or duplication costs, other material-related expenses, and staff expense associated with the conduct of the training session.

DEPARTMENT OF REVENUE

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: 130.120
Action: Amendment
- 4) Date Notice of Proposed Rules Published in the Register: November 1, 1996, 20 Ill. Reg. 14161
- 5) Date JCAB Statement of Objection Published in the Register: March 14, 1997, 21 Ill. Reg. 3314
- 6) Summary of Action Taken by the Agency: The Department of Revenue withdraws the above rulemaking to meet the objection of the Joint Committee on Administrative Rules.

DEPARTMENT OF REVENUE

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 140
- 3) Section Numbers: 140.125
Action: Amendment
- 4) Date Notice of Proposed Rules Published in the Register: November 1, 1996, 20 Ill. Reg. 14175
- 5) Date JCAB Statement of Objection Published in the Register: March 14, 1997, 21 Ill. Reg. 3335
- 6) Summary of Action Taken by the Agency: The Department of Revenue withdraws the above rulemaking to meet the objection of the Joint Committee on Administrative Rules.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT ON AGING

Heading of the Part: Community Care ProgramCode Citation: 89 Ill Adm Code 240Section Numbers:240-728
240-729Date Originally Published in the Illinois Register: 10/18/96

20 Ill Reg 13463

At its meeting on March 18, 1997, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Department on Aging implement changes in service payment levels on a timely basis through the rulemaking process, instead of relying on the Department's Policy Memorandums to make these changes.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

FILING PROHIBITION

DEPARTMENT OF NATURAL RESOURCES

Heading of the Part: Commercial Fishing in Lake MichiganCode Citation: 17 Ill Adm Code 850Section Numbers: 850.20 850.50 850.80Date Originally Published in the Illinois Register: 1/2/97

21 Ill Reg 322

At its meeting on March 18, 1997, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a substantial and direct interest, safety or welfare. The reason for the prohibition is as follows:

The Committee objected to and prohibited the filing of the rulemaking entitled Commercial Fishing in Lake Michigan (17 Ill Adm Code 850; 21 Ill Reg 322) because elimination of commercial perch fishing on Lake Michigan adversely impacts small businesses; that is, commercial fishing licensees will no longer be allowed to harvest the mainstay crop of yellow perch vital to business operations. This rulemaking threatens the public interest by severely damaging small businesses when the agency cannot prove that those business enterprises have been the direct cause of the diminishment of the Lake Michigan yellow perch population nor that prohibiting the filing of the rulemaking by these small businesses will result in the revitalization of the perch population.

The Committee further recommended that DNR meet with the affected fishing licensees in an attempt to devise a regulation that will enhance the potential for regrowth of the perch population without destroying private commercial enterprises, without at least a realistic expectation that doing so will solve the problems of the diminishment of the perch population.

The proposed rules may not be filed with the Secretary of State or enforced by the Department of Natural Resources for any reason for 180 days following receipt of this certification and statement by the Secretary of State.

Failure of the agency to respond to the Objection within 90 days after receipt of this Statement shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking. The Agency should also respond to the Recommendation in writing within 90 days after receipt of the Statement. Failure to respond will constitute refusal to accede to the Committee's

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

FILING PROHIBITION

DEPARTMENT OF NATURAL RESOURCES

Recommendation. The agency's response will be placed on the JCAR agenda for consideration.

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 18, 1997 through March 24, 1997 and have been scheduled for review by the Committee at its April 15, 1997 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/2/97	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	1/17/97 21 Ill Reg 732	4/15/97
5/4/97	Pollution Control Board, Introduction (35 Ill Adm Code 601)	12/20/96 20 Ill Reg 15899	4/15/97
5/4/97	Pollution Control Board, Permits (35 Ill Adm Code 602)	12/20/96 20 Ill Reg 15948	4/15/97
5/4/97	Pollution Control Board, Ownership and Responsible Personnel (35 Ill Adm Code 603)	12/20/96 20 Ill Reg 15943	4/15/97
5/4/97	Pollution Control Board, Operation and Record Keeping (35 Ill Adm Code 607)	12/20/96 20 Ill Reg 15937	4/15/97
5/4/97	Pollution Control Board, Existing Activities in a Setback Zone or Regulated Recharge Area (35 Ill Adm Code 615)	12/20/96 20 Ill Reg 15863	4/15/97
5/4/97	Pollution Control Board, New Activities in a Setback Zone or Regulated Recharge Area (35 Ill Adm Code 616)	12/27/96 20 Ill Reg 16132	4/15/97
5/4/97	Pollution Control Board, Regulated Recharge Areas (35 Ill Adm Code 617)	12/20/96 20 Ill Reg 15956	4/15/97

89-160-4,13

89-165-11

89-170-5,6,7

89-240-3

89-358R-11

89-380R-11

89-407-3

89-551-5,8

89-590-5

89-676-8

89-679-8

92-141-11

92-554-8

92-1002-1

92-1205-13

92-1456-11

EMERGENCY

20-405-2

20-415-2

20-525-2

20-701-2

20-1520-2

32-331-14

35-505-14

89-681-14

47-350-13

77-515-7

77-2510-11

77-2530-11

80-310-3

80-420-6

80-1540-1

80-1650-1

83-335-13

86-100-10

89-102-13

89-112-2

89-113-2

89-114-2

89-20-2

89-141-2,12

89-302-3,11

89-359-11

92-171-13

PEREMPT.

8-125-4



ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

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____ 1987 ____ 1988 ____ 1989 ____ 1990 ____ 1991 ____ 1992 ____ 1993 ____ 1994 ____ 1995

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SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.
____ 1984 ____ 1985 ____ 1986 ____ 1987 ____ 1988 ____ 1989

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